NOVEMBER ELECTION ANALYSIS

California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS

October 1974

Is it really a political Disneyland?

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A PERSONAL PERSPECTIVE...

By Ed Salzman

Legislator pay – over the table or under?

For future legislators, the defeat of former Assembly Speaker Bob Moretti in the Democratic gubernatorial primary may have been a financial disaster. Moretti's retirement from the Legislature resulted in an avalanche of publicity about the legislators' generous pension system and other fiscal benefits for senators and assemblymen. Under the present retirement plan, which provides special benefits for lawmakers leaving in the wake of reapportionment of their districts, regardless of the circumstances, Moretti will collect some $180,000 before he reaches age 60. Assemblyman John Quimby of San Bernardino County, defeated in a run for reelection, can collect almost $215,000 before he hits 60. And there are comparable benefits for Assemblyman Walter Karabian, unsuccessful candidate for secretary of state, and Assemblyman Newton Russell, defeated in the Republican primary in his head-to-head face-off with Assemblyman Mike Antonovich.

The reapportionment bonus was placed in the law after the court-ordered redistricting of 1965, which forced wholesale changes in the Senate because of the "one-man, one-vote" edict of the United States Supreme Court. It was designed to help those politicians thrown out of office through no fault of their own. Of the four cases cited above, only Russell's fate was brought about by the 1973 redistricting. (He was thrown into the same district with another Republican, Antonovich; one had to go, although Russell did have the option of taking his chances in an adjacent district.)

The revelations about Moretti's pension led some newspapers to start probing the whole field of legislative benefits, especially since lawmakers were considering a bill by Senator Anthony Beilenson to enact a new pay raise for themselves even though one that has already been authorized will not take effect until December. There have been articles about other aspects of the retirement plan, the $30-a-day expense allowances legislators receive seven days a week while they are in session (even though many have their homes in Sacramento), their free newsletters, their taxpayer-furnished automobiles and gasoline, their junkets, their postage and telephone services. The entire $52 million-a-year legislative budget has been analyzed to shreds, especially by the *Sacramento Union* in a series styled "Under the Golden Dome".

About a year ago, I suggested that salaries for legislators be raised 100 to 150 percent, from the current rate of about $20,000 to $40,000 or $50,000 a year, in recognition of the fact that lawmakers are the policy-makers for one of the most important enterprises in this nation, a $10-billion-a-year public corporation called the State of California. The revelations about the fringe benefits should make it all the more clear that public servants should receive most or all of their income in straight salary and virtually none under the table.

Along with the pay raise to the $50,000 mark, I suggested that various reforms be enacted to help cleanse state government. The fact is that if some legislators were given a taxable income of $50,000 a year and they lost all their peripheral income they would come out net losers. On the other hand, those who do not take advantage of all available fringe benefits and who have not been recipients of lobbyist largesse would come out winners.

What should be done about the pension plan, all the fringe benefits and the constant problem of how salaries should be set? A modest proposal:

- Raise the base salary to $50,000 a year.
- Eliminate the $30-a-day living allowance entirely.
- Pay legislators their *actual* travel and meal expenses when they are in their districts during session and when they are forced to come to Sacramento out of session. Different expense systems should be used for those with prime residence in Sacramento and those maintaining their families in their districts.
- Exercise strict control to assure that newsletters and stamps are not used for political purposes.
- Stop providing lawmakers with automobiles. (At $50,000 a year, they can afford their own.)
- Control credit cards strictly; junkets should be minimized, and all expense forms should be open to public view and subject to audit.
- Revise the pension plan dramatically. The reapportionment bonus should either be eliminated or altered to apply only to those actually put out of office by redistricting. The basic plan should be about the same as for other state executives — with the legislators paying their fair share. (With incomes of $50,000 they could afford to.)
- Prohibit all outside employment.
- Ban gifts of any kind to legislators from special interests.

It may be that with all these restrictions, $50,000 will not be enough. After all, we could hardly expect lawmakers to come out of the deal net losers. It could take $60,000 to provide benefits comparable to those in effect today. But why quibble about a mere $1.2 million a year when in actuality it could save a lot more? Whatever the base pay, there must also be a mechanism for periodic increases. One possibility is to have the State Personnel Board annually provide a percentage cost-of-living increase (or decrease), subject to ratification by the Legislature and the standard referendum procedure.

Such a system would benefit both the taxpayers and the public. Who knows how much the public and special interests spend now in total benefits for a lawmaker? The public is bound to save money in the long run by having the remuneration paid across the top of the table. For legislators, there would be the guarantee of an excellent wage truly fitting executives with heavy responsibilities. And they would not be subject to the kind of adverse publicity generated periodically as benefits like the Moretti pension come to light.

The One-Million Dollar Man

Editorial Cartoon by Paul Conrad
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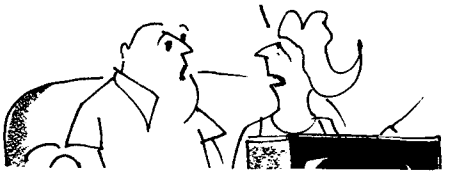

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THE ORANGE COUNTY MYTH

Are its politics as Mickey Mouse as Disneyland?

By MELVIN H. BERNSTEIN

Contrary to media folklore, there is good reason to believe that Orange County is no longer a "monument of monolithic conservatism", as *Newsweek* described it in 1966. Not that Orange County has become a hotbed of liberalism. It took the Great Depression and a leader of such magnetic appeal as Franklin Delano Roosevelt in 1932 and 1936 to carry Orange County into the Democratic column in a presidential election. However, recent developments in California's fastest growing county point to the emergence of a more realistic conservatism shaped by the forces of record-setting population and economic growth. A steady stream of migrants has placed Orange County at a population level of nearly 1,700,000, second in the state only to Los Angeles County. A broad-based diversification of the county's economy is now occurring in a changing educational and social environment offering the varied cultural opportunities found in two public universities, four private colleges, and six community colleges. These trends have converged to produce more moderate political behavior.

While Democrats in California continue to outnumber Republicans in party registration by a margin of 3 to 2, Orange County alone of the large counties in the state shows the GOP ahead by 50 percent to 43 percent of the registered voters. In a nation where only 24 percent of the electorate identifies as Republican, in a state where the rule of thumb is that Republican candidates customarily win in electoral constituencies where Democrats possess less than 53 percent of party registrants, GOP hegemony appears safe in Orange County. In the neighboring county of Los Angeles, which has proved to be an unusually reliable barometer of election outcomes in California due to its huge proportion of the state's voting population, registered Democrats easily outnumber Republicans, 57 percent to 35 percent, which closely approximates the statewide division of registered party voters. Farther to the south, in the conservative environs of San Diego, we find a formal Democratic edge in party registration of 48 percent to 43 percent that normally fails to hold up at the polls when the votes are actually counted.

The author, a political scientist and attorney who lives in Orange County, serves as chairman of the Arts and Sciences Committee of the Republican State Central Committee.

Vote reflection

In the nearly three decades since the end of World War II, Orange County has strongly supported Republican presidential candidates over Democrats in every election, resisting the national and state tide in 1948 when Harry Truman upset Thomas Dewey, backing Richard Nixon against John Kennedy in 1960, as did California, and holding out again in 1964 against the statewide and national landslide when Lyndon Johnson overwhelmed Barry Goldwater. If the last four presidential elections mean anything, it can be expected that national Republican candidates in Orange County will run 10 percent to 15 percent ahead of their California election returns statewide [see table]. In each case, it can be seen that in comparing the three largest counties of the state, all located in Southern California, Republican presidential candidates receive their largest share of the vote in Orange County, run well ahead of the California average in both San Diego and Orange counties, and come closest to receiving their true share of the vote in Los Angeles County.

Moreover, in every campaign for governor since 1950, when Orange County began its first decade of record population growth, voters staunchly backed every Republican candidate, lining up squarely behind losers in the Democratic years of 1958 and 1962 when state Attorney General Edmund "Pat" Brown decisively defeated U.S. Senator William Knowland, and then whipped Richard Nixon in a closer but nevertheless clear-cut electoral triumph. Overall, Republican gubernatorial candidates in Orange County ran close to 15 percent ahead of their statewide shares of the total vote. Meanwhile, in Los Angeles, gubernatorial candidates who carried that county in every case carried California with nearly the same percentage of the total vote cast. In San Diego, the winning Democratic candidate, Edmund Brown, managed to carry that county against the hard-line conservative Knowland in 1958. But in 1962, anti-Communist candidate Nixon, though losing the gubernatorial election, carried defense-oriented San Diego by 48,580 votes,

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gaining 55 percent of the total vote, nearly as good as his 57,810-vote margin in what then was right-wing Orange County, where he polled 59 percent. When the progressive Houston Flournoy ran against the conservative Ed Reinecke in the Republican gubernatorial primary last June, he easily won the election with 63 percent of the vote, carrying Los Angeles with 59 percent, Orange County with 59 percent, and San Diego with 59 percent. Though Reinecke campaigned with the albatross of a criminal indictment around his neck, it is important to note that Flournoy's margin of victory in the Orange County stronghold of conservatism came by a vote almost as large as he received for the entire state of California.

Outspoken conservatives

In *As Orange Goes*, Professor Karl Lamb of the University of California at Santa Cruz finds that the views of the more publicized of the county's political leaders, such as former Congressmen John Schmitz and James Utt, and the late newspaper publisher Cyrus Hoiles, have been far more militant and ideological than those of their constituents, who are conservative in the traditional sense but basically realistic and practical on such issues as taxes and spending, the role of federal government, and the legalization of abortion.

Richard Baisden, dean of University Extension at UC Irvine and well informed in Orange County politics, maintains: "The ultra-conservative image of the county was more a reflection of the views of a few highly visible, vocal leaders than it was of the actual attitudes of the voters." One does not have to search very long for recent developments that buttress Lamb's argument. John Schmitz, once the apostle of extremism from Santa Ana, was defeated as an incumbent in his bid for congressional renomination in 1972 when he defied Nixon's more traditional kind of Republican conservatism. In the June 1974 congressional primary for the same seat, Schmitz backed David Gubler, a self-described "staunch conservative", who also was defeated badly by Schmitz' nemesis, incumbent Congressman Andrew Hinshaw. And in the summer of 1974, with his right wing closely clipped, Schmitz settled down to teaching a course on conservatism in American politics at the Irvine campus of the University of California. At the same time, the hard-core conservative assemblyman, Floyd Wakefield, gerrymandered out of his safe Los Angeles district as a result of reapportionment, ran in the newly created 70th Assembly District of Orange County and lost his seat in the primary by finishing third with only 23 percent of the vote.

Dennis Carpenter, the widely respected conservative state senator from Newport Beach, has recently broadened his base of support in Orange County by organizing a policy advisory council of academic experts drawn from such fields as the health sciences, the environment, political science, management systems, and criminology. Elected as the chairman of the minority caucus of the state Senate last spring and a former county central committee chairman and chairman of the Republican State Central Committee, Carpenter personifies the problem-solving conservatism likely to typify Orange County politics more in the future than had ever been the case with the exaggerated approaches of Schmitz and Utt.

Changing face

An analysis of voting on selected controversial propositions since 1962 indicates the changing face of conservatism that has emerged in Orange County, making it increasingly difficult to predict its vote simply on the basis of its supposed knee-jerk attitudes on such issues as pornography and high taxes. In 1962, for example, Orange County solidly supported Proposition 24, an anti-Communist initiative that imposed sanctions on subversive activities (51 percent voted "yes"), while California as a whole voted convincingly against it (60 percent voted "no"). The supposed monolithic stronghold of Southern California conservatism appeared somewhat fragmented when the proposition was soundly defeated in Los Angeles, 52 percent to 48 percent, and in San Diego, 60 percent to 40 percent. In 1964, Proposition 14, an anti-fair-housing initiative that strengthened property rights, carried easily in Orange County with 78 percent of the vote, while 65 percent of the state's voters supported the proposition. It failed to carry in Los Angeles — though it came close, with 48 percent of the vote — but in San Diego the initiative did nearly as well as in Orange County, with 70 percent of the vote. In 1966, Proposition 16, an anti-obscenity initiative, was defeated in California overall, in Los Angeles and in San

Presidential voting in California's three largest counties, 1960 — 1972

County	1960		1964		1968			1972	
	Nixon	Kennedy	Goldwater	Johnson	Nixon	Humphrey	Wallace	Nixon	McGovern
Orange	61%	39%	56%	44%	63%	30%	7%	72%	28%
San Diego	57	43	50	50	57	36	7	64	36
Los Angeles	50	50	43	57	48	46	6	57	43
California	50	50	41	59	48	45	7	57	43

Gubernatorial voting in California's three largest counties, 1958 — 1970

County	1958		1962		1966		1970	
	Knowland	Brown	Nixon	Brown	Reagan	Brown	Reagan	Unruh
Orange	54%	46%	60%	40%	72%	28%	68%	32%
San Diego	48	52	57	43	64	36	62	38
Los Angeles	42	58	48	52	57	43	52	48
California	40	60	47	53	58	42	54	46

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Diego, but in Orange County the measure still managed to squeak through by 3,934 votes.

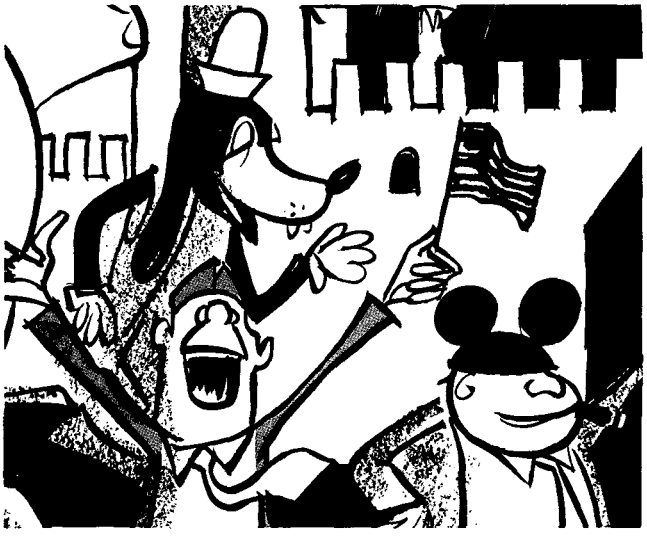
Pattern shifts

In 1968, a closer alignment between the voting pattern of Orange County and California began to appear. In that year, Proposition 9, a measure to limit property taxes, was badly defeated in Orange County as well as in California (68 percent voted "no"), Los Angeles (57 percent voted "no"), and in San Diego. Orange County, with 66 percent voting "no", even opposed the proposition by a margin substantially larger than that of the more politically moderate Los Angeles and closely approximated the proportion of the vote statewide. Then, in 1972, across a wide range of propositions dealing with controversial political, social and economic issues, Orange County voted in line with California, Los Angeles and San Diego, backing the restoration of the death penalty, supporting an open presidential primary, opposing obscenity legislation this time, opposing the legalization of the use of marijuana, supporting the establishment of a state coastal conservation commission, and supporting the amendment prohibiting the involuntary assignment of students to public schools.

However, when Proposition 1, a tax-limitation initiative, appeared on the ballot last fall in a much-publicized special election, Governor Ronald Reagan's sponsorship of the proposition, coupled with opposition led by then-Assembly Speaker Bob Moretti, split the vote along partisan lines: The measure was defeated statewide 56 percent to 38 percent, and in Los Angeles 52 percent voted "no", while 59 percent of Orange County's voters supported Reagan's proposal, which carried by only 2,000 votes in San Diego. Finally, in last June's primary election, Proposition 9, a political reform measure to compel disclosure of potential conflicts of interest and impose limitations on campaign contributions, won two-thirds of the vote in Orange County and carried statewide with 70 percent of the vote.

Move to maturity

In a weak, formal-party system mirroring that of the state, built on a structure of nonpartisan politics at the local level of government and an antipathy to the special-interest politics of such urban areas as San Francisco, New York, Chicago, and Boston, Orange County seems to be moving toward political maturity as it views issues more on their merit than in terms of ideology or philosophy. This condition is often found in industrially progressive technocratic societies and may very well represent the course of political development for Orange County in the last quarter of the Twentieth Century.



A decade ago, the *Santa Ana Register,* through its editorials and coverage of news, reigned supreme as the only major newspaper in the Orange County metropolitan area without even the competition of a commercial television station. It enjoyed a virtual news monopoly that enabled the paper to make or break political candidates who did not satisfy its standards of virulent anti-communism and implacable opposition to a growing public bureaucracy at all levels of government. With a population that has more than doubled in the past ten years, drawing in well-educated and affluent newcomers, a diverse offering of public and private institutions of higher learning, and the penetration of the Orange County market in the late 1960s by the *Los Angeles Times,* the *Register* has both lost its monopolistic position as the major media outlet for the county and become more circumspect in its reporting of the news (though still conservative in approach).

Orange County is now a mix of 26 cities, ranging from the managerial and professional Republicans of Newport Beach to the blue-collar Democrats of Buena Park and Garden Grove, with an infrastructure of higher education that serves as a surrogate mass-media outlet for the dissemination of information and ideas. The Orange County metropolitan area still remains the largest region in the country without its own commercial television station, thereby enhancing the influence of newspapers, especially in nonpartisan local elections. Nevertheless, a political life-style has appeared that is not nearly as simplistic and homogeneous as had been the case in the late 1950s and early 1960s. Indeed, the emergence of urban planning as a major force in the life of the county in the past five years, and the appearance of powerful homeowner associations in such rapidly growing cities as Irvine, Fountain Valley, Newport Beach, Huntington Beach, Tustin, Orange and Anaheim, has blurred partisan political issues. They have also diffused former grand ideological issues as homeowners and developers concentrate and frequently clash on local community concerns that determine priorities for control of the environment and commercial development of real estate.

Few are the voters who today have much time or zeal to devote to such formerly charged issues as the U.S. Supreme Court, the United Nations, prayers in the public schools, and the "international Communist conspiracy".

Honesty in government

Orange County's political profile is well known to include intense loyalty to the principles of individual initiative, private enterprise, limited government, and a strong sense of strict morality in public affairs. When political columnist David Broder of the *Washington Post* appeared at UC Irvine one Friday evening last spring to speak on the subject of Watergate and American politics, he expressed his surprise at the size and vitality of the audience. The intensity of Orange County feeling about honesty in government was dramatized several months earlier on the same campus at a lecture of Republican U.S. Senator Howard Baker on Watergate when an overflow audience drawn mostly from the local community roared its approval during the question-answer session at questions that scored then-President Nixon for his

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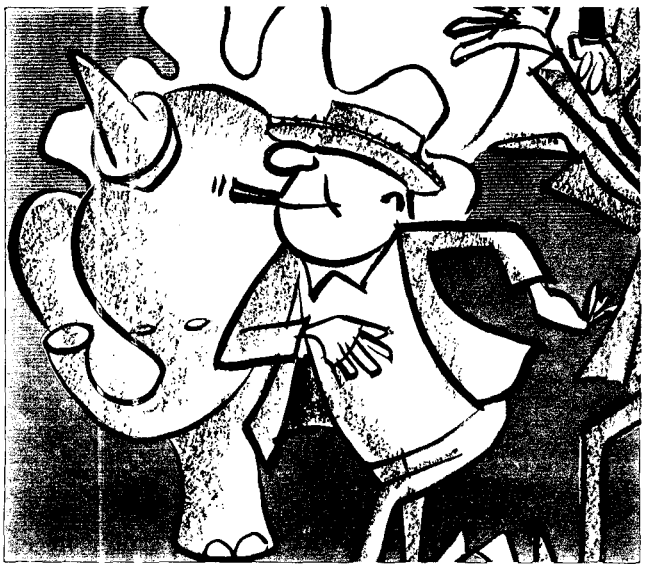
Comparative growth in the gubernatorial electorate

	California	Los Angeles	Orange	San Diego
1970	6,378,271	2,269,060	454,402	411,476
1966	6,492,087	2,427,658	406,688	394,960
1962	5,777,460	2,271,837	282,114	355,358
1958	5,250,987	2,163,655	184,093	291,659

quality of moral leadership and failure to pay income taxes. While the region continues to support Republican candidates strongly in statewide and national elections, its recent pattern of voting on such issues as taxes, obscenity and political reform suggests that a more flexible style of conservatism is developing as the socio-economic profile of the county changes.

Population growth in Orange County has been relatively steady from the time it split off from Los Angeles to become a separate legal entity in 1889. A population boom had occurred from 1880 to 1910 in Southern California, formerly known as the "cow counties" area of the state, setting a life-style for the section south of the Tehachapis that has continued to the present. During the depression decade of the 1930s, the rate of population increase dropped to its lowest level since Orange County's founding, but resumed a rapid rate of growth in the Forties and really began to take off after 1950, when its population stood at 216,000. By the 1960 census, the population explosion was well documented by a 226 percent gain in new residents. In the Sixties, population doubled while the United States population was increasing by 27 percent. Population for the current year is expected to reach 1,700,000 for Orange County, and the metropolitan area (comprising Santa Ana, Anaheim and Garden Grove) now ranks 18th in size nationally — up from 34th place in 1960.

The county remains white, upper-middle class, and fundamentalist in its values, with minority residents comprising only 14 percent of the population (less than 1 percent of that black) and growing more slowly than the number of Caucasians. As in California generally, and particularly in Southern California, three-fourths of the annual population gain results from newcomers moving in rather than from births. The great majority of these newcomers come from Los Angeles County, which last year for the first time lost population.



As Orange County's electorate continues to grow far more rapidly than that of Los Angeles and the state, the county's influence on statewide elections will also grow. The size of the electorate in gubernatorial elections in Orange County since 1958 has more than doubled, easily outpacing the other major Southern California counties, as well as the state as a whole [see table].

Restless and rootless

A few years ago, sociologists and political commentators commonly remarked about the paranoid, extreme, hysterical politics of Orange County, which was attributed to a restless, rootless population of migrants. But a recent study shows that two-thirds of a representative sample of the county's population have lived in Orange County for at least five years. These newcomers are highly individualistic, with little loyalty to the institutions and traditions of the county, which to some degree accounts for the surprising lack of cohesion of such interest groups as labor and business.

As with California generally, more than half of the residents of Orange County come from the South, the Border States or the Middle West, where the political environment is generally more conservative than in California and where the Democratic Party is far less liberal. Thus, even though Republicans outnumber Democrats in party registration by only 55,000, or 7 percent, large numbers of conservative and middle-of-the-road Democrats often defect to vote for Republican candidates, rolling up the huge GOP majorities for which Orange County has become famous.

The county actually began the Twentieth Century with a population of 20,000 that was white, middle-class, fundamentalist, Protestant, entreprenurial and agrarian. That socio-economic setting, despite industrial and urban change, has basically prevailed into the 1970s, with like people selectively attracted to a political and social life-style well known for its intense commitment to patriotism, anti-communism, and the American system of capitalistic private enterprise.

The ever-increasing lure of Orange County to the mobile, well educated, and well-to-do can be accounted for by several factors:

- A physical environment that offers mountains, desert and ocean.
- Continuing industrial development with manufacturing now established as the major sector of the economy and a move away from dependence on aerospace, electronics and defense in favor of government, trade, services, finance and tourism.
- Entrepreneurial opportunities as demonstrated by a rate of economic growth that shows Orange County as

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the leader among the large counties of the state in annual increase in personal income, retail sales, bank deposits and number of workers employed.

Above all, the new residents of Orange County have been attracted by the good climate and attractive physical assets of the area. That the county has a reputation for being tough on criminals, maintaining good schools and overall providing stability as compared to the turmoil of other metropolitan areas in recent years is viewed as a major attraction to residents who favor a stable kind of suburban living and to newcomers seeking relief from the urban problems found in large cities.

Society in transition

Still, it would be misleading to suggest that the county is actually moderate in politics, urban in outlook, and industrialized in economic structure. Nevertheless, the signs of change are clear. The well-publicized right-winger, John Schmitz, lamented the decline of the John Birch Society, a symbol of right-wing reactionaries, by observing, "Orange County conservatism has been going down almost commensurate with the fact that the Birch Society has taken this area for granted. They keep reading press clippings about Orange County. But you just can't keep going on your reputation alone."

As Orange County completes the transition from an agricultural to an advanced urbanized-industrial society, it will likely become known more for its practical politics than for its identification with the John Birch Society. The area remains clearly Republican and conservatively oriented. But kooky and extreme it is not.

California *NEWSBRIEFS*

State sees more good than harm in peripheral canal

The state Department of Water Resources released a mostly positive environmental impact report last month on the Peripheral Canal it wishes to build around the Sacramento-San Joaquin Delta. The department found some adverse impacts, but concluded: "The Peripheral Canal is not perfect in all respects and each of the alternatives is possibly superior in some respects. However, it is concluded that the Peripheral Canal does have the greatest potential for obtaining desired environmental conditions in the delta."

The canal would siphon Sacramento River water 43 miles around the east end of the delta and pump it into the California Aqueduct. Though the canal originally was to be financed with equal federal and state participation, the federal government is now less than certain to fund the canal. If that is so, the report said, the state would finance the first stage of construction.

Air Resources Board grants reprieve to some car-owners

Following passage of enabling legislation, the State Air Resources Board ruled that only owners of 1966-70 automobiles in the South Coast Air Basin must install anti-smog devices starting this month. Owners of the estimated 600,000 such autos outside the basin will not have to install the devices until they sell their cars. (The six counties not exempted are Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura.)

Peace Officers fail to qualify initiative on prison terms

The California Peace Officers Association conceded defeat last month in its drive to get the 325,504 signatures needed to qualify its initiative requiring prison terms for certain crimes. The measure would have required prison terms without probation for individuals using firearms during commission of crimes and for sellers of hard drugs.

Consumer Affairs Department finds critics aplenty

The California Consumer Advisory Council, appointed by Governor Reagan to advise him on consumer needs, told him last month that his Department of Consumer Affairs is "ineffectual". The council said the department is "too politicized and ends up helping business more than the consumers which it was created to serve." The department's director, Patricia Gayman, denied the criticism, saying, "To my knowledge, nobody's ignoring consumers."

Similar charges were leveled in the results of an investigation by San Francisco Consumer Action, which were published September 23rd under the title, *Deceptive Packaging: A Close Look at the Department of Consumer Affairs.*

The department underwent a reorganization in 1971, but changing the name from Department of Business and Vocational Standards did not rid the 43 regulatory boards and commissions of their largely industry orientation, despite the addition of non-industry representatives. [See "Truth in packaging . . . . consumer affairs," *CJ,* June-July 1972.]

Riles would end 'wining and dining' of textbook advisers

A Curriculum Development and Supplemental Materials Commission screens books for adoption by the state Board of Education, which assures a healthy market for the selected texts. That's fine, agrees State Superintendent of Public Instruction Wilson Riles, but he thinks that a strict code of ethics would help keep the commissioners' noses in the books and out of the brandy furnished by publishers.

Riles told the state Board of Education last month that he had been troubled by reports of "wining and dining" of commissioners by publishers' representatives. While adding that such conduct is not illegal, he observed: "In this era of Watergate we cannot tolerate even a hint of impropriety." It is up to the board to adopt Riles' proposal.

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November Election Analysis

○ *Brown-Flournoy 'debates'*
○ *Spending-limitation pact*
○ *Outlook for other offices*

By ED SALZMAN

If the first of the Brown-Flournoy "debates" is an accurate measure, Republican gubernatorial nominee Houston I. Flournoy still needs a dramatic event — an eye-catching issue or a massive blunder by his opponent — to pass Democrat Edmund G. Brown Jr. at the wire on November 5th. Neither their joint appearance before the Sacramento press club on September 10th nor their post-Labor Day stumping of the state showed any indication of providing the kind of momentum Flournoy needs to close the gap.

It was clear that the remainder of the debates would not give either contender a decisive victory. What the joint appearances will do more than anything else is give the electorate a chance to analyze the styles of the candidates, who are not far apart on major issues. Flournoy attempted to make some gains by campaigning during July and August, but the media paid little attention and proclaimed Labor Day as the official start of the political season. Brown headed for the hustings with only one problem -- keeping his lead by making no major mistakes and by keeping Flournoy on the defensive. The Republican sought to show himself as a man of superior character, experience and independence.

Watergate again

But just when it appeared that Flournoy might reap the benefits of a change in national mood toward the Republican party, President Ford gave Richard Nixon an unconditional pardon. Suddenly, GOP candidates were again threatened with a Watergate-spawned disaster. Flournoy had just announced that he was going back to Washington to talk with Ford. And the first question at the initial debate dealt with the Nixon pardon. (Typically, both candidates took similar views opposing Ford's action.)

Flournoy can ill afford any public disaffection with Republicans. And he must get a much higher percentage of GOP voters to turn out in November if he hopes to make the race close. In June, 54 percent of the voters went to the polls — 53 percent of the Democrats, 54 percent of the Republicans (54 percent of the American Independents, 21 percent of the Peace and Freedoms, and 27 percent of those with no party affiliation). Flournoy also recognized that the state of the economy is a minus factor for all Republicans under the theory that the party in power gets blamed for unemployment and inflation. He tried to counter this by discussing economic issues at every stop on his campaign.

For Brown, the task is much easier. He apparently feels that he can maintain his lead primarily by reminding the voters that he represents the "new spirit" of political reform in California and that he is willing to crack down on lobbyists and pension-fat legislators who seem to be in disfavor with the public at this time. Flournoy, a former assemblyman, has found himself cast in the role of defender of the Legislature.

Campaign pact

Brown probably would have liked to omit debates and joint appearances with Flournoy altogether because they would provide opportunities for the trailing candidate to make gains. But that would have given Flournoy a talking point that in itself might have closed the gap, rated at 14 points by pollster Mervin Field before Labor Day. After protracted negotiations, Brown and Flournoy signed an agreement limiting campaign spending for advertising and setting the ground rules for their debates. Here are the main provisions of the contract:

- The preamble states: "As in most agreements, we have arrived at a compromise between our differing views concerning how the issues of campaign limitations and debates should be resolved for this particular campaign. Nevertheless, we both intend to comply in good faith with the agreement we are signing."
- The total amount each candidate is allowed to spend for television, radio, newspaper, periodical, direct-

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mail, recorded telephone and billboard advertising is $900,000. Not more than $800,000 of this may be spent for radio and TV commercials, including at least $50,000 for production. The remaining $100,000 may be spent for so-called print media.

- Disagreements are subject to resolution by an arbitrator, Dean Dorothy Nelson of the University of Southern California's law school. Detailed reports of expenditures must be filed with the arbitrator by specified dates during the campaign. The arbitrator has the authority to issue public awards against violators, and the decisions are final and binding.
- "There shall be a total of six joint appearances or debates. On all other occasions, each candidate shall appear separately before any group from which he accepts an invitation, and shall appear separately on any television or radio program for which he accepts an invitation."
- The debates shall be September 10th before the Sacramento Press Club, September 27th on the Irvine campus of the University of California (on education), October 8th on the state educational television network, October 20th on Channel 13 in Sacramento, October 28th on Channel 9 in San Francisco (on environmental issues), and November 2nd on KNBC-TV in Los Angeles.
- This sentence is added to several of the provisions on the appearances: "No other television or radio use of all or any part of the program may be made by any person, including a candidate or the station, except for regular news coverage." Since the media were not parties to the agreement, it was up to Brown — as the candidate seeking the least coverage — to enforce this provision. And there was a hassle between the Brown campaign and some of the television reporters prior to the first debate on coverage limitations, with Brown apparently making the agreement stick in most cases.

This agreement is unprecedented in California politics. It is the product of the reform mood in the nation produced by Watergate and the growing public disgust with the purchasing of votes by candidates. In normal times, Republicans usually are able to raise far more money than Democrats. But this year the Democrats are at least on an even footing with the GOP, and Flournoy found it necessary to seek funds from the New York associates of Vice-President-designate Nelson Rockefeller. The Brown-Flournoy agreement, it should be noted, places no limit on the total expenditures in the campaign — only for paid advertising. As a practical matter, the media limit puts a lid in the vicinity of $1.5 million on each campaign.

Aside from the ads, the major emphasis in the eight weeks of the campaign is to get maximum coverage by television, radio and newspaper reporters. The travels of the candidates have been geared more to the availability of cameramen and reporters than to the presence of live California voters. Flournoy, as the underdog, had been especially critical of the coverage of the campaign, especially by the major television stations.

Political picnics

Both candidates opened their campaigns at Labor Day picnics of AFL-CIO organizations, Brown in the Democratic stronghold of Alameda County and Flournoy at Cucamonga, where the steelworkers hold an annual shindig. Only a small percentage of the workingmen cared to listen, preferring instead to concentrate on beer, beans and bratwurst. But the media were there in droves. For the first time in the campaign, Flournoy said he was happy with the coverage he was getting.

Both men subsequently ran up and down the state holding press conferences, speaking to gatherings and talking casually with reporters. The newspapers gave the opening of the campaign big play, but television seemed to be waiting on the debates before offering major coverage.

Brown campaign

Brown surprised many of the reporters traveling with him by displaying an unexpected openness and accessibility. He made it a point to answer every question, to break bread with the traveling crew and to make himself available for informal interviews. He was fully cooperative to television crews, allowing them to work him over on plane trips and bus rides. His top aide, Tom Quinn, was also accessible — but not to the extent of Brown, who made it very clear that he was running his own show and making all the decisions. The candidate's behavior baffled some reporters, who recognized that they were covering the likely winner and had a responsibility to explain this complex person to the public. Brown made it a point to spend an hour a day walking the streets, shaking hands. That, too, was not in the character of the Jerry Brown reporters had known — a private person who was thought not to feel comfortable among the masses.

Insofar as the issue end of the campaign was concerned, it was obvious that Brown had not spent the summer vacationing while Flournoy was trying to stir up the sleeping media. Brown came out with a campaign that hummed, with total preparation on every issue and with a willingness, if need be, to contradict Quinn, who was supposed to be the kid genius pulling the strings.

With Flournoy

As much as Brown was a surprise, Flournoy was right in character. The boys on the bus have always admired Hugh Flournoy. Many of the reporters have known him for many years and like him personally. But some see him as a tragic figure, a bright and decent man who is dull in public appearances and has the misfortune of running for governor in a Democratic year against a man who is much more forceful, if less experienced and knowledgeable.

Flournoy is by nature open and accessible. He loves to shoot the breeze with reporters, and he feels comfortable around them. With Flournoy and his staff, there has been complete candor and openness. He is a warmer person than Brown but yet feels uncomfortable walking through a train introducing himself to people or walking the streets. He is extremely comfortable in the roughest political environment — with groups of students — be-

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'Wake up, madam. The first exciting Flournoy-Brown debate is over'

cause of his experience as a professor of government. He fields questions from liberals easily, even though his reply may be conservative. Questions from the right wing are more difficult for him to handle.

The Republican candidate is "dull" because he gives complex explanations for his positions and does not go for the jugular, which Brown does on occasion. He is more conciliatory than aggressive, and occasionally will take words like "poisonous" out of his prepared texts. Will this quality endear him to the public over the next month and give him the kind of breakthrough he needs to catch Brown? Or has his long streak of political luck finally run out?

Face to face

No less an expert than Stu Spencer, veteran California campaign manager and an adviser to Flournoy, said during the summer that the most important event of the race would be the first debate in Sacramento. The debate was generally considered a draw, although some felt that Flournoy might have had a slight edge with the live audience. However, the television clips used on the news shows probably favored Brown a bit because he comes across better on camera than in person. Probably the best analysis of the debate came from Harry Sharp Jr., a speech instructor at the University of California at Davis who teaches a course in campaign theory and practice. His comments:

> Brown can punch. Flournoy can, and does, jab. Neither is a slugger . . . . Both are using an approach that is not only appropriate to their political situations but to their own personalities and communication styles. Both showed poise and apparent self-confidence and acquitted themselves very well. Neither was ever stunned by a question . . . . There was no decisive point either where one contestant decimated the other or where one made a grave and glaring mistake that would come back to haunt him . . . . [Brown was] more combative and serious, maybe too serious. He takes himself awfully seriously, or at least he projects the image that he does. Maybe he's doing this because he has been criticized as too young and inexperienced . . . .
>
> I would suggest that Flournoy come out and talk about some of the accomplishments of the administration he's proud of . . . . instead of responding when Brown attacks . . . . He defended his record as a legislator far more than he did as controller . . . . Brown likes to talk about his villains and say that he is going to joust with them. Flournoy acts as if he doesn't have any villains. Maybe he doesn't.

In sum, the debate didn't produce much news. The *Los Angeles Times* didn't even play it on the front page, and some network television stations gave it only a minute or two on the evening news. This is partly because there isn't a wide gulf between the two on major issues. Both criticize the Nixon pardon, claim they will be conservative with the state's money and favor the housing program vetoed this year by Governor Reagan. However, some significant differences did arise:

Marijuana. Flournoy opposes reducing penalties; Brown wants to make the casual user subject only to a misdemeanor. The law now gives the judge the option between a felony and misdemeanor.

Proposition 17. Brown backs the measure, which is designed to halt construction of New Melones Dam on the Stanislaus River; Flournoy opposes it.

Capital punishment. Flournoy supports the Deukmejian bill restoring the death penalty for certain crimes; Brown opposes capital punishment but says he will uphold the Deukmejian act, if it is found constitutional (which he doubts).

Legislature. Brown has proposed that the state combine the Senate and Assembly into one house; Flournoy would retain the status quo.

Sex crimes. Flournoy opposes decriminalization of prostitution; Brown would make any private sex act between consenting adults legal.

Taxation. Brown vows to veto any tax increase next year; Flournoy maintains that the surplus is so large that it is ridiculous for his opponent to even talk about a tax increase. Nonetheless, Flournoy concedes that the *Serrano* decision on school finance might necessitate a tax hike at the state level to offset local property-tax reductions.

Brown has been using the hard-sell, attacking and baiting Flournoy. The Secretary of State claims that the overriding issue in the campaign is whether it will be politics-as-usual during the next four years or whether a "new spirit" of reform — a phrase he uses frequently — will enter California government. Flournoy favors a soft-sell, trying to demonstrate a superior knowledge of state problems and an unwillingness to offer simple answers to complex questions.

Much of the time, Flournoy finds himself responding to Brown's charges and stands on issues. Brown is setting the tone and, perhaps, even manipulating the campaign. Flournoy is cast in the role of counter-puncher, a rough job for a man who is a jabber by nature. Yet, Flournoy is banking on the public's taking a shine to his personality in the next four weeks, a difficult task in an era when much of the public is turned off by politics.

Other races

If the candidates for governor are not being given much attention, what of the rest of the slate?

The candidates are going through the motions of mak-

Voting sourcebook

An updated version of the basic statistical sourcebook on California politics — *California Votes, 1960-1972* – has been published by the Institute of Governmental Studies of the University of California at Berkeley. The 172-page book, by Eugene C. Lee and Bruce E. Keith, can be obtained for $7.50 plus tax by writing to the institute, 109 Moses Hall, UC Berkeley 94720.

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ing personal appearances and getting their advertising campaigns prepared, but they are not getting much media attention. The only race that has been in the spotlight at all is the one to succeed Flournoy as controller. Democrat Ken Cory is under attack from Republican Bill Bagley for having taken a total of more than $500,000 in primary campaign contributions from two Orange County businessmen.

The Democrats appear to be in good shape at this point in every contest except that for attorney general, where the incumbent, Republican Evelle Younger, may well be strong enough to survive a Democratic landslide. His opponent William Norris is trying hard to attack Younger for his connection with the operator of a fradulent oil-drilling investment scheme. On the Democratic side, Assemblywoman March Fong has a big lead over Brian Van Camp for secretary of state, and she could probably survive a Republican victory at the top of the ticket.

Women in politics

If Fong wins, she will replace Republican state Treasurer Ivy Baker Priest as the only woman in statewide political office. But the overall prospect for women is not good. No woman has ever sat in the state Senate, and this election won't change that. The only women now in the Legislature are Fong and Democratic Assemblywoman Pauline Davis of Plumas County, and the best that women's organizations can hope for is retention of the status quo. Moreover, there is a chance that Davis will lose to Republican Ray Johnson in one of two races in the state pitting incumbent against incumbent. If Davis loses, the only good chance for electing a woman is in Santa Clara County, where Democrat Leona Egeland is in a tight race with Republican Peter Tweedt. Women's groups also hope that Republican Sarah Heath will run a respectable race against Assemblyman Ken MacDonald in Ventura County, although they do not expect her to win this year. (Aside from the Davis-Johnson contest, the other campaign pitting incumbent against incumbent has veteran Democrat Joe Gonsalves battling freshman Bob McLennan.)

Minority chances

While the outlook for increased female representation thus is rather bleak, both the black and Chicano minorities should make small gains in legislative representation, holding their own in the Assembly and adding one senator each in the Upper House. Nate Holden will be joining veteran Mervyn Dymally in the black caucus. And, if Dymally is elected lieutenant governor, his district would be safe for a black Democrat in a subsequent special election. Assemblyman Alex Garcia is almost a cinch to join the only Mexican-American now in the Senate, Ruben Ayala of San Bernardino County.

But, as the campaign heads into the final drive, the overriding question still is: How much anti-Republican feeling remains from the Watergate affair? It appeared for a while as though the resignation of Richard Nixon had given Republicans a new breath of political life, but the Nixon pardon — coming less than two months from election day — undercut much of the gain.

If Republicans remain as disgusted in November as they were in June, this could be a Democratic year comparable to 1958, when Pat Brown and hordes of ticketmates took offices that had previously been held by Republicans. The office-by-office analysis that follows thus is based largely on the assumption that the Democrats hold the upper hand and that the main task for Republicans is to cut GOP losses.

Sidelights from statewide primary

Last month, we charted the flow of campaign contributions as revealed in the new Waxman-Dymally Disclosure Act. We pointed out the difficulty of penetrating the mountains of new data submitted by the various primary campaigners, and reported on some interesting patterns that nonetheless emerged. Below we list some gleanings on the statewide races.

Governor. Democratic Mayor Joseph Alioto received $14,500 from Ben Swig, chairman of the Fairmont Hotel, $9,000 from fellow San Franciscan Walter Shorenstein, $10,000 from H & R Block tax consultants and $10,000 from a local AAA machine shop; Democrat William Matson Roth expended $675,000 of his own money and $250,000 of his mother's, and another $3,000 from Laurence Rockefeller; Democratic Congressman Jerome Waldie got 720,800 from Richard O'Neill; ten of Republican Lieutenant Governor Ed Reinecke's eleven major contributions were in the form of loans, including $49,400 from the Rohr Corporation to the Reinecke Advisory Council; Democratic Assemblyman Bob Moretti's campaign attracted $6,500 from Excel Mineral Company, $25,000 from the California Medical Political Action Committee, $26,000 from the American Federation of State, County, and Municipal Employees (AFL-CIO), $25,000 in loans from Western Harness Racing, $17,945 from the apparel industry, $16,725 from Great Western Savings and Loan, $8,718 in "in-kind" contributions from Senator Alan Robbins, $5,000 from Assemblyman Waddie Deddeh, $3,000 from Assemblyman Bob Wilson, $2,500 from Assemblyman Willie Brown, $2,000 from Assemblyman Charles Warren, $1,000 each from Assemblymen Lawrence Kapiloff and James Keysor, and $2,000 "in-kind" from Representative (and former Assembly member) Yvonne Brathwaite Burke.

Lieutenant Governor. Democratic attorney Howard Miller's unsuccessful campaign was funded largely by eight donors: $5,000 each from Max and Joan Palevsky, Sherman Given, Jerry Godell, Sid Greenberg, Victor Palmieri and Miles Rubin, and $3,000 from Richard O'Neill; the Democratic nominee, Senator Mervyn Dymally, received contributions of mostly less than $500 each, and $4,000 from the United Auto Workers, $1,000 from Assemblyman Brown and $500 each from Assemblyman Julian Dixon and Senator Alfred Song; Republican nominee John Harmer took in $1,000 from Union Oil, $500 from Getty Oil, $1,000 from ARCO, $5,000 from the California Real Estate Association, $3,600 from the California Medical Association, $2,000 from Rohrback Corporation and $1,050 from Rohr Corporation.

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U.S. Senator

If there is such a thing as a sure bet in this year's general election it is the victory of incumbent Democrat Alan Cranston over conservative Republican Bill Richardson. Cranston is far ahead in the polls, and there is hardly any way Richardson can cut deeply into his margin. Cranston has a solid lock on the Democrats, a big lead among independents and a good chance of getting strong support from Republicans who can't take Richardson's strongly conservative stands.

OUTLOOK: Cranston may win by a million.

Lieutenant Governor

The polls show Democrat Mervyn Dymally the early leader over Republican John Harmer. But the margin is not great, indicating that the outcome may depend on the candidates for governor. A lack of funds forced Harmer to fire his professional campaign aides and depend primarily on volunteers.

OUTLOOK: This one swings with the race for governor.

Controller

This contest may also depend on the outcome of the Flournoy-Brown contest. Democrat Ken Cory, like Dymally, is the early leader, but not by a conclusive margin. Republican Bill Bagley has been whaling away at Cory's primary campaign contributions, but it's questionable whether the undecided voters will make up their minds much before election day.

OUTLOOK: This should be close all the way.

Attorney General

Incumbent Republican Evelle J. Younger is in as good a position as Fong. The polls show him way ahead; he is getting support from organized labor; and he has a largely unknown opponent in William Norris. Norris can win only if Brown leads a massive Democratic landslide and Younger falters.

OUTLOOK: Younger should be able to buck a Democratic trend.

Secretary of State

In the unlikely event that this should be a Republican year in California, Democratic nominee March Fong could still emerge a winner. Early polls show her with an overwhelming lead over Republican Brian Van Camp — and she even gets 20 per cent of the Republican votes, presumably because she can appeal to GOP women. Van Camp's original entry into the race was predicated on the hope that Assemblyman Walter Karabian would be the Democratic candidate, and he knew that he was in for trouble if either Fong or Cathy O'Neill won the primary.

OUTLOOK: Fong is in better shape than any Democrat on the slate except Cranston.

Treasurer

This race boils down to a popularity poll on former Assembly Speaker Jesse M. Unruh, the Democratic nominee. The Field Poll in August showed Unruh eight points ahead of Republican John Kehoe but with relatively few voters undecided (18 percent). The poll showed that there are plenty of Democrats (17 percent) who don't like Unruh — but almost as many Republicans (15 percent) who prefer him to Kehoe.

OUTLOOK: Unruh may be in for a rougher race than he figured, but the eventual outcome will probably depend on the top of the ticket.

Equalization

Few Californians know what the Board of Equalization does — it collects taxes and supervises county administration of the property tax — let alone who its members are. As a result, incumbents win reelection unless there is mass voter rejection of the party in power. Since all four members are Democrats, there is little chance of defeating George Reilly of San Francisco, John Lynch of Fresno, Bill Bennett of Marin County

campaign contribution reports

Secretary of State. Democrat Cathy O'Neill received $10,000 from Joan Palevsky; Democratic nominee March Fong received $750 from Pacific Lighting Corporation, $1,500 from lobbyist James Garibaldi and $2,000 from EPIC, the California State Employees' political association; Republican nominee Brian Van Camp received $200 or more from each of the following: ARCO, Getty Oil, Pacific Lighting, TI Corporation, a number of attorneys and stockbrokers; Democrat Walter Karabian received $5,000 from James Minor, an executive of San Jacinto Packing Company.

Treasurer. Democrat Alan Short received $10,000 from Albert Levinson and $1,400 from Garibaldi; Democratic nominee Jesse Unruh reported $18,400 from Richard O'Neill; Democrat Gray Davis received a total of $27,000 from Max and Joan Palevsky and San Diego industrialist Cornelius Dutcher.

Controller. Democratic nominee Ken Cory received a total of $506,577 from Southern California millionaires Richard O'Neill and Lou Cella, $10,000 from Carmen and Louis Warschaw, and $24,000 from Max Palevsky (and gave $1,200 apiece to Assemblymen Leon Ralph, Bill Greene and Julian Dixon); Republican nominee William Bagley reported $5,000 from CREPAC (California Realtors), $2,000 from Industrialist David Packard, $4,000 from the Western Candy Conference, (vending-machine interests), $4,500 from three New York attorneys, and $1,000 from state employees' EPIC and Rohr Corporation.

Attorney General: Republican nominee Evelle J. Younger's largest contribution was $3,500 received from Hewlett Packard, though he also received funds from Star-Kist, and from Almaden and Gallo wineries; Democratic nominee William Norris reported a number of contributions from corporate and industrial interests, among them $2,000 from ARCO and $6,000 from Adolph Foods, and also $4,000 from the United Auto Workers, $2,500 from Victor Palmieri, $1,760 from organized labor; $28,250 in gifts and loans from Joan Palevsky and $85,000 in loans from Max Palevsky, and $1,750 from Cornelius Dutcher.

CORRECTION

In last month's article on campaign contributions, Cornelius Dutcher of San Diego should have been listed as giving $5,000, not $15,000, to Gray Davis, an unsuccessful Democratic candidate for treasurer.

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or Richard Nevins of Pasadena. Their GOP opponents are former Assemblyman Hank Arklin, S. Jack Templeton, Tally Mastrangelo and William D. Getty, respectively.

OUTLOOK: Same four Democrats for four more years.

Congress

The change of command in the White House probably helped Republican congressional candidates more than any other element of the GOP slate in California. Going into the November election, the Republicans hold 19 of the state's 43 seats in the House of Representatives. Before the resignation of Richard Nixon spared them an impeachment vote, it appeared that almost half the Republican seats could well be lost. Now, it appears that Republican losses may be held to two or three seats. Twenty-two Democratic seats — a majority of the delegation — are considered safe, as are seven now held by Republicans. Here is the outlook in the other districts:

DOUBTFUL

13th District (53% D-40% R) — For many years, this district has been a Republican stronghold won repeatedly by veteran Congressman Charles Gubser of Gilroy. But Gubser decided to retire at the end of this term, and the Democrats came up with a super candidate, Mayor Norman Mineta of San Jose. The Republicans countered with another proven vote-getter, former Assemblyman George Milias, but Mineta is considered the favorite.

16th District (54% D-38% R) — Incumbent Republican Burt Talcott of Salinas is plagued with problems, and the Democrats have given his ouster a high priority. In engineer Julian Camacho, the Democrats have a candidate who ran like gang-busters in the primary and has developed enough financial aid to get full exposure. Before the Nixon resignation, it appeared that Talcott could not survive. His chances are now improved, but he has a long way to go.

17th District (59% D-36% R) — Redistricting and a loss of gloss from the Olympic decathlon championship have put Republican Bob Mathias of Tulare in deep trouble. His opponent, Supervisor John Krebs of Fresno, is a powerful campaigner with traditional support from Republican precincts. It will be a mild surprise if Mathias keeps his seat.

38th District (53% D-40% R) — This is the best — and perhaps the only — chance the Republicans have to pick up a Democratic seat. For many years, Democrat Dick Hanna of Orange County bucked registration problems and strong GOP campaigns to remain in office. But this year, the popular Hanna is retiring, and the GOP thinks it has the ideal candidate in Vietnam War POW David Rehmann. The underdog Democratic candidate is Jerry Patterson of Santa Ana.

LEANING REPUBLICAN

19th District (53% D-39% R) — Incumbent Republican Robert J. Lagomarsino of Ojaiwon his seat at a special election during the Watergate furor. He again faces Democrat James D. Loebl, mayor of Ojai, and the outcome should be the same. The Santa Barbara-Ventura area is politically volatile, however, and Lagomarsino cannot be considered safe.

34th District (52% D-42% R) — By the old rules of California political analysis, this would have been rated as a safe Republican district. The seat has been held for years by retiring GOP stalwart Craig Hosmer, and the area has the kind of registration that usually favors the GOP. The Republican nominee is freshman Assemblyman Bill Bond, but no one is willing to count out the former mayor of Lakewood, Mark Hannaford, who won a wild primary with a minimum of campaigning.

35th District (51% D-43% R) — Although incumbent Republican Victor Veysey is running in this district, it can hardly be claimed as his own. Veysey was redistricted out of his own territory and moved from Imperial County to Claremont to become a resident of this open district. The registration indicates that the GOP nominee should win, but the voters could recognize Veysey as a carpet-bagger and prefer Democrat Jim Lloyd, who topped a field of ten in the primary.

LONGSHOTS

2nd District (56% D-37% R) — Incumbent Republican Don Clausen of Crescent City, who has not been threatened in recent elections, has an aggressive and colorful opponent in fisherman Oscar Klee. The registration statistics are good for a Democrat, and some Republican strategists are worried.

7th District (61% D-34% R) — Congressman Jerome Waldie abandoned this district to seek the Democratic gubernatorial nomination. Democrat George Miller of Martinez, son of the late state Senator George Miller Jr., ran a strong primary campaign and is expected to win. But Republicans feel that they have an outside chance with Councilman Gary Fernandez of Richmond.

12th District (51% D-42% R) — Independent Republican Pete McCloskey of Portola Valley squeezed through the primary, thanks to a switch of registration by Democratic students at Stanford University. Only a mass defection of conservative Republicans to Democrat Gary Gillmoor, mayor of Santa Clara, could topple McCloskey.

18th District (56% D-39% R) — The registration breakdown makes it look like there is trouble ahead for incumbent Republican William Ketchum of Bakersfield. But Ketchum is a great campaigner and he should defeat Democrat George Seielstad.

20th District (48% D-46% R) — Republican incumbent Barry Goldwater Jr. normally wouldn't have much difficulty winning reelection, but he has a vocal opponent in consumer advocate Arline Mathews.

33rd District (52% D-42% R) — Norwalk Councilman Bob White might have had a good chance of unseating incumbent Republican Del Clawson. But the change in the national political climate dimmed White's hopes.

41st District (47% D-44% R) — Veteran Bob Wilson of San Diego has a tougher challenge than usual from Democrat Colleen O'Connor, who is part of a San Diego three-sister political team.

OUTLOOK: Democrats should make gains, but they will probably be limited to two or three seats.

State Senate

Democrats have gradually been building a working majority in the state Senate. The Democratic advantage, now 22-18, should be increased by one seat, and possibly two, even though only half the 40 Senate seats are being contested this year and Republicans hold 12 of the 20 that are safe until 1976. Democrats claim that they will defeat two Republican incumbents, but the GOP chances in one of these key districts have been improving. Of the 20 seats contested, 12 are rated safe for Democrats and two for Republicans. The remaining six:

DOUBTFUL

12th District (53% D-40% R) — Veteran conservative Clark L. Bradley of San Jose is the top Democratic target. Bradley has managed to win reelection by rather close margins in recent years, and this year he has an especially tough opponent, Mayor Jerry Smith of Saratoga. Bradley has been weakened by redistricting and by a minor scandal involving use of an employee on the legislative payroll in his law office.

34th District (51% D-43% R) — Republican incumbent Craig Biddle first won election to the Senate by an extremely slim margin over Democrat Bob Presley, undersheriff of Riverside County. Presley has given Biddle fits, and now he's back for another crack. But Biddle has obtained some important favorable publicity recently through his efforts to enact a tough, new anti-smog law, and Republicans are now more optimistic about his chances.

LEANING DEMOCRATIC

10th District (52% D-41% R) — Registration figures alone would make this look like a marginal district. But the Democratic incumbent, Arlen Gregorio, has a solid reputation in the district and is expected to beat off the challenge of San Mateo attorney Joseph Tormey Jr.

18th District (53% D-39% R) — Democrat Omer Rains pulled the biggest political upset of the year in defeating Assemblyman Don MacGillivray of Santa Barbara by an overwhelming margin in a special election. Now he is a favorite to win again in November, primarily because the voters apparently are down on MacGillivray.

LONGSHOTS

2nd District (55% D-36% R) — Peter Behr of Marin County is the most Democratic Republican in the upper house and will attract quite a few Democratic votes in November against Ernest Banker, a Mendocino County supervisor. Banker should do well in the northern part of the coastal district, but the population center is closer to Behr. The Democrats would have taken a longer look at the district had Behr been defeated in the primary.

16th District (55% D-40% R) — Democrat Walter Stiern of Bakersfield always seems to be a Republican target, and this year should be no exception. The GOP will go through the motions of trying to elect his opponent, Supervisor LeRoy Jackson of Kern County, but the Republicans will probably be no more successful than in the past.

OUTLOOK: Democrats have a chance of gaining one or two seats.

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Assembly

The Democrats start the contest for control of the Assembly with a hefty incumbency advantage, 48-31 (with one vacancy — the seat formerly held by Democratic Congressman John Burton of San Francisco). The Republicans will do well to prevent the Democrats from making additional gains. And there is the outside chance that the Democrats will capture 54 seats — a magic number because it constitutes the two-thirds majority needed to enact urgency and appropriation bills and to override a gubernatorial veto. Sixty of the 80 Assembly races are rated "safe", 40 for the Democrats and 20 for the Republicans. The others:

DOUBTFUL

1st District (59% D-35% R) — Redistricting pushed Republican Ray Johnson into the same district as Democrat Pauline Davis. Although the registration favors Davis, Johnson has been closing the gap through personal appearances and some adverse publicity for Davis. The race now figures to be extremely tight.

Pauline Davis **Ray Johnson**

7th District (58% D-38% R) — Incumbent Republican Doug Carter withdrew from campaigning because of a dispute with Governor Reagan, then reconsidered. Even without this erratic conduct, he was in trouble. Democrat John Garamendi came out of the primary with a head of steam that made him look like a good bet to unseat Carter.

8th District (58% D-37% R) — This is the district being abandoned by Democrat John Dunlap, who is running for the Senate. Registration favors the Democratic candidate, Supervisor Alfred Siegler of Solano County, but the Republicans have made this their top-priority district in Northern California, and expect to win with Ed Maybrun, who has the advantage of living in Sonoma County.

9th District (53% D-38% R) — This is traditional Republican country, represented for many years by GOP controller candidate Bill Bagley of San Rafael. But the Democrats have come up with a potent candidate in Michael Wornum, and the Republican nominee, Alan Hill, has the problem of having served as an executive in the Reagan administration (in an area in which Reagan is not especially popular).

24th District (57% D-36% R) — If Pauline Davis loses in the first district, this newly created Santa Clara district could produce the only woman in the Legislature, Democrat Leona Egeland. The Republicans are putting plenty of punch behind nominee Peter Tweedt, who has the problem of having served as top aide to Lieutenant Governor Ed Reinecke. The race figures to be close.

30th District (68% D-27% R) — In terms of registration, this should be one of the safest districts in the state. But registration statistics can be especially deceiving in the San Joaquin Valley, and Republican Ken Maddy of Fresno has won two terms in this constituency and is seeking a third. Reapportionment weakened him some, and he even considered switching parties to keep his political career alive. He has a tougher opponent this year than in 1972, Councilman Al Villa of Fresno.

33rd District (59% D-37% R) — The speakership fight in the Assembly may have saved this seat for Democrat Ray Gonzales, who faces a well organized challenge from educator Bill Thomas. Gonzales sided with the winner in the speakership race and was rewarded with chairmanship of the Assembly Education Committee, a feather he can wear prominently in his campaign hat.

34th District (52% D-37% R) — Among political insiders, this is known as the Rommel district because the candidates must criss-cross the heart of the California desert like German and Allied soldiers in North Africa during World War II. The district has no major population centers but normally might be expected to go Republican. Neither the GOP nominee, Ken Hall, former chief deputy director of finance in the Reagan administration, nor his opponent, Larry Chimbole of Palmdale, came through the primary with a compelling head of steam.

35th District (51% D-39% R) — Even Republicans concede that Democratic candidate Gary Hart, who has run two losing races in the general area before, will be hard to beat in this Santa Barbara-Ventura district. Republicans feel that they have a good candidate in Tim Terry, a coastal commission member, but that may not be enough.

53rd District (66% D-27% R) — Incumbent Republican Paul Bannai of Gardena, an upset winner of a special election, was hurt by redistricting. The Democratic nominee, Jack Mayesh, will have strong backing from the emerging Waxman-Berman organization. Bannai will be lucky to survive.

58th District (54% D-39% R) — This district is now represented by Republican Bill Bond, who is running for Congress. The Republican nominee, Sumner Offill of Long Beach, has worked as an aide to state Senator George Deukmejian and has the Senator's strong backing. Fred Chel, the Democrat, is supported by the other senator from Long Beach, Democrat Joe Kennick, in a preview of a possible direct post-reapportionment confrontation between Kennick and Deukmejian in 1976.

63rd District (58% D-35% R) — This is one of two districts in the state with incumbents facing one another because of redistricting. The combatants are Democrat Joe Gonsalves, a veteran politician who has farmed the territory for years. The Republican is freshman Bob McLennan, a physician who won a special election last year and is pulling out all stops to remain in office. Based on registration and experience, Gonsalves should have the edge.

Robert McLennan **Joe Gonsalves**

65th District (53% D-42% R) — Republican Pete Vander Poel of Chino is the favorite against Democrat Bill McVittie of Upland in this newly created district. The registration favors the GOP but McVittie could win in a Democratic sweep.

71st District (53% D-40% R) — Ken Cory, the Democratic candidate for controller, has managed to keep this Orange County seat despite massive Republican attempts to beat him. Republican Bob Bark of Anaheim has some traditional Democratic support because the Democratic nominee, Paul Carpenter of Cypress, is conservative.

72nd District (49% D-42% R) — This newly created Orange County district looked for a time like a cinch for Marlin McKeever, a former USC and professional football hero. But the tide seems to have turned against him as some negative aspects of his career came to light. Nevertheless, this is Republican territory and the old linebacker remains the favorite.

77th District (47% D-45% R) — Reapportionment was not kind to Democratic incumbent Bob Wilson, who had managed to win two elections in the state's Republican heartland. The Republicans will mount a mighty effort behind attorney Mike Bollman, but Wilson is a superior campaigner who has defied the odds before.

78th District (50% D-40% R) — Democrat Lawrence Kapiloff won a surprise victory over a veteran Republican two years ago. He was helped by the defeat of the GOP establishment candidate by San Diego architect Rod Smith in the primary, but the contest still must be rated doubtful.

LEANING DEMOCRATIC

15th District (61% D-32% R) — This southeastern Alameda County district has for two decades been duck soup for Assembly Speaker pro Tempore Carlos Bee. He has lost some vigor and some of his best precincts, however, and Republicans see a chance to beat him with S. Guy Puccio of Castro Valley. Bee is under especially heavy attack in the Livermore-Pleasanton area, but the heavy Democratic registration makes him the favorite.

LONGSHOTS

3rd District (55% D-39% R) — Reapportionment gave veteran Republican Eugene Chappie a load of new territory. He has always done well in Democratic precincts, but he faces an aggressive opponent in a former Roseville mayor, Baron Reed. The Democratic tide will have to be strong to defeat Chappie, however.

31st District (59% D-36% R) — This is another of those San Joaquin County districts in which the voters register Democratic but often vote Republican. The incumbent, Republican Ernest Mobley, has always won handily. Democrat Elvin Bell, a Fresno councilman, could engineer an upset by keeping enough Democrats in line.

OUTLOOK: Democrats may make a small gain.

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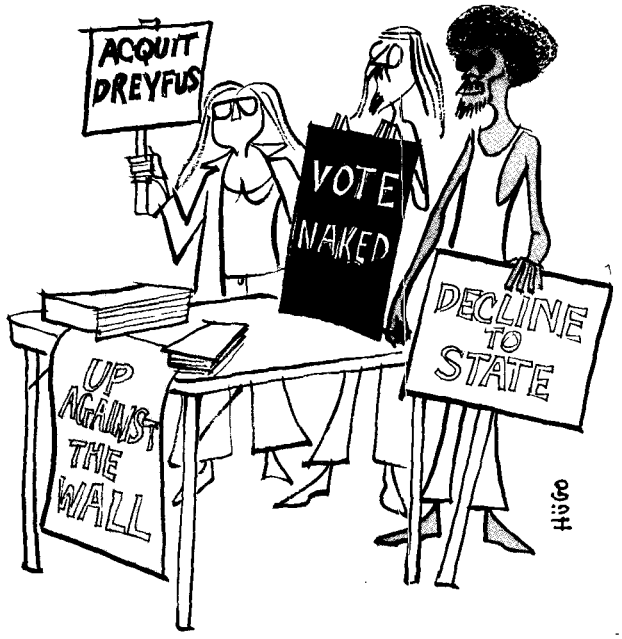
Brown, Flournoy and the student vote



By MIKE FREED and JOE CAVES

Former Assembly Speaker Bob Moretti was the leading choice for governor among California college students at the June primary election, according to a survey of key precincts by the University of California Student Lobby. Of the 14 campuses surveyed, Moretti finished first at 10, and he was second at the other four. Secretary of State Edmund G. Brown Jr., the winner of the Democratic nomination, appeared to have finished first at Cal Tech and Loyola, but the number of precincts in the survey was very small. On UC campuses, Brown did poorly (topping 30 percent of the vote at only one campus and averaging about 20 percent).

Both William Matson Roth and Jerome Waldie, who geared their campaigns to the kind of liberal issues that normally attract students, ran far behind Moretti and somewhat behind Brown. The student vote for both Roth and Waldie was extremely erratic, ranging from a high of 39 percent for Waldie at Santa Cruz to a low of 6 percent at San Luis Obispo. Outside of San Francisco, Joseph Alioto, who finished second to Brown in the polling, received a high percentage of 6.5 at Davis; at Santa Cruz, he was below 1 percent.

Republican gubernatorial nominee Houston Flournoy outpaced Ed Reinecke by a larger margin on campuses than his statewide percentage of 63.2. But there were a large number of students voting for neither main contender, indicating the possibility of a heavy disloyalty among Republican students this November.

The question now becomes: how will California students vote November 5th?

Since voter registration at colleges throughout the state is heavily Democratic, ranging from a low of 2-to-1 at USC to a high of 7-to-1 at UC Berkeley, UC Santa Barbara and UC Santa Cruz, most political observers assume that Jerry Brown will be the overwhelming choice of students. Even though there is a large Democratic registration margin, however, Brown showed in the primary that he cannot assume that he will be the automatic choice of UC students. Brown's low vote total came despite the fact that he appeared at many of the UC campuses.

Flournoy made no major effort to capture the student vote, making it difficult to predict how the students will react to him. Because of the small percentage of Republican students voting, it may be helpful to evaluate how well liberal Republicans have faired with the student vote — and they have done well on many college campuses. Looking back to the 1972 general election, Republican Senator Donald Grunsky received 59.4 percent of the student vote at Cal Poly San Luis Obispo. At Sonoma State, students gave Assemblyman William Bagley 44 percent of the vote (while Richard Nixon received only 15 percent). And in San Francisco, state Senator Milton Marks won a majority of the student vote at UC San Francisco, San Francisco State, and the University of San Francisco.

Stanford and McCloskey

Probably the best example of a liberal Republican who captured a large percentage of the student vote is Representative Paul McCloskey. At Stanford in 1972, he scored 47 percentage points better than Nixon, with 68.1 percent of the student vote. And, in 1974, McCloskey probably will retain his seat because enough Stanford students registered Republican to give him a winning margin in the primary. (Republican registration at Stanford increased by 80 percent between January and May, and Stanford students cast nine out of ten votes for him. McCloskey won the Stanford precincts by almost 1,200 votes; his margin over his conservative opponent, Gordon Knapp, was only 867 votes.)

While Flournoy's voting potential at campuses is not likely that of a McCloskey or a Marks, their experience suggests, at least, that Republican candidates can do surprisingly well with the student vote. Should Flournoy "liberal-up" and make an effort at capturing the student vote, therefore, the results could well be surprising.

On the other hand, should Brown make an effort at organizing the campuses and emphasize Flournoy's stand in favor of Reagan's 1973 tax-limitation initiative and his opposition to last June's political reform initiative — two issues on which students took an opposite position from that of Flournoy — Brown should do well on campuses. Only if Brown demonstrates to students that a major difference exists between the two men will he resoundingly defeat Flournoy. Likewise, the more liberal Flournoy appears, the better are his chances at the campuses.

Neither candidate has yet captured the fancy of students, however, and, should neither make an effort to capture the student vote, the voter turnout at campuses throughout the state may be extremely low.

The authors are recent graduates of UC Santa Barbara. Mike Freed wrote an analysis of the 1972 student vote in the February 1973 issue.

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All quiet on the campus front

By MARIA LENHART

Sproul Plaza in Berkeley used to reach its boiling point at noon. In the late 1960s and the beginning of the 1970s, noon in the tree-lined quadrangle lying between the neo-classical Sproul Hall and the computer-age Student Union almost invariably meant a political rally. Depending on the year and the issue, a radical celebrity such as Mario Savio, Eldridge Cleaver, Joan Baez, Angela Davis, or Cesar Chavez could draw thousands of spectators into the plaza, the overflow watching from the roof of the Student Union. Now, ten years after the first sit-ins of the Free Speech Movement, Sproul Plaza is only infrequently occupied by political rallies and the demonstrations that often followed. The noon crowds today are more likely to be gathered around banjo players and guitarists strumming hits from the Fifties than around radical speakers. Berkeley students seem to have returned to the social concern of having a good time.

But if students at Berkeley, and on hundreds of other campuses across the nation, are more light-hearted than their recent predecessors, they are also, in some ways, more serious. While there is more horseplay (as evidenced by "streaking"), there is also a lot more concern for doing well academically. And there is an almost universal apprehension over the shrinking job market awaiting students in the liberal arts. The struggle to keep the University of California School of Criminology on the Berkeley campus shows that student activism cannot yet be given last rites. But last spring's demonstrations were the exception and did little to alter the prevailing concern among students for more personal matters.

Reduced alienation

For the most part, students are returning to life-styles and goals that they rejected during the Sixties. On many campuses, living in dormitories is becoming popular again, and fraternities and sororities are regaining strength. During the 1970-71 school-year, 325 students went through fraternity and sorority "rush" at Berkeley. Last fall, 566 students went through rushing, and even more were expected to rush this year.

"In the late 1960s, students seemed to be much more alienated than they are today," says Anne Hawley, assistant director of student activities, who has worked on the Berkeley campus since the first days of the Free Speech Movement in 1964. "They wanted to avoid anything that smacked of the Establishment, such as joining on-campus living groups. But students today have grown too tolerant and sophisticated for that kind of reasoning. In general, there is less status connected with where one lives. And even though fraternities and sororities are growing in popularity, they're not the snob items they were twenty years ago."

Students also seem to be growing more respectful of the traditional educational process. The desire for non-competitive, innovative education, one of the battle cries of the Sixties, seems to have faded out with sit-ins. Five years ago the University of California at Santa Cruz, which offers courses only on a pass or not-pass basis and has a reputation for being unstructured in educational approach, was the most difficult campus in the University system to gain admittance to. Today, however, one Santa Cruz student commented, "Now we're getting Irvine rejects."

Looking ahead

"In general, the revolt in the 1960s against competition has given way to a new race for high grades and success," reported education writer Fred M. Hechinger in the *New York Times*. "Such devices as pass or fail, intended to de-emphasize competition, appear to be losing ground. With jobs scarce, educational success seems to be less of a luxury. Academic rigor depends on the students' willingness to play the game according to the traditional academic rules, and more students appear ready to do so."

Not only do students have higher academic goals than they did a few years ago, but more of them seem to know what they want to do after graduation. A survey of high-school seniors last year by Gilbert Youth Research found that 80 percent of those surveyed had definite career plans. In 1969, only 42 percent of the students said they had career plans and their plans were generally more vague than those of the Class of 1974.

A survey of college freshmen conducted this year by UCLA and the American Council on Education found that 57 percent of those surveyed planned to attend graduate or professional schools. This was the largest percentage recorded during the eight years that freshmen have been surveyed. The students were also found to lean away from liberal arts in favor of more career-oriented fields. Only one-third as many students chose to major in English as in 1966, for example.

The move to career fields has already made an impact at the upper-division and graduate levels. Although college enrollment is generally declining, law-school enrollment has doubled in a decade and journalism enroll-

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The author is a free-lance journalist based in San Francisco.

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ment has tripled. Competition for graduate study in the medical sciences, urban planning, and economics has never been so keen. It is not uncommon for prestigious professional schools to have ten or twenty applicants for each available opening.

"Education has become a fight," observed Jim Cane, a twenty-six-year-old graduate student active in radical politics on the San Francisco State campus in the late Sixties. "With competition so tough for graduate schools, students have to direct their energies toward doing well academically. When I started college in the 60s, there was a much looser attitude toward education; pursuing a career didn't seem so important. Just about everyone I knew as an undergraduate has faded out of politics by now. They either have jobs or are looking for jobs."

Need for knowledge

But the shift away from activism into career preparation does not necessarily mean that students have become less radical. Some observers feel that the trend toward law school and the medical sciences indicates that students have not given up their idealism, but simply that they want to put that idealism into practice. There has been recognition among students that more than good intentions are needed to improve society — hard knowledge is needed as well.

Peter Schwartz, a veteran of the student movement who is now a social worker, believes that the radical youth of the Sixties has become the radical adult of the Seventies. "Many among those who comprised the leadership of the student movement in the mid-Sixties have migrated toward a few specific sectors in society — education, law, public service — and toward research in the physical, biological, and social sciences," he said. "At the same time, if less certainly, there seems to be a migration away from corporate big business. I believe that those of us who matured in the 60s have by the experience of our youth been called to and tempered for leadership in a way that youth in the 50s simply had no opportunity to experience. Furthermore, because of the post-World War II baby boom, our numbers are greater. The practical implication of this is that toward the end of the decade, and certainly by the beginning of the next, America may expect to experience a rapid decline in the age of its leaders, accompanied by a fresh (and to many unsettling) vision of what the country is — and what it should become."

Schwartz's friends from the student movement have gone into law, teaching, public planning, and research. None of them, he said, works for a large corporation.

Earning a living

Some recent graduates have found that the grind of seeking work in the "real world" has made them a shade less idealistic and a lot more practical. Many students are in the position of Jill Miller, a former activist who graduated a year ago from Berkeley with a degree in sociology. She soon found that a liberal-arts degree is no longer a passport to a good job, particularly in the Bay Area, where she wished to work. To stay there, she took a job as a typist. A year later, Miller remains critical of American society, but describes herself as less idealistic and more anxious to learn a practical skill that will land her a well-paying job. Once active in volunteer work, she has little desire to do any more of it, no matter how good the cause. "That's for people who don't have to make a living," she remarked. She, along with thousands of

Then . . .

others, is applying to graduate schools of social welfare, urban planning, and counseling.

But Miller knows that her problems don't end here. Applying to a professional school today is not unlike applying for a job, and practical experience in the field of study is often required for admission. "Graduate students are getting older and more experienced all the time," said William Smelser, a lecturer in Berkeley's School of Social Welfare. "The average age of first-year graduate students in this school is now twenty-seven. No one gets in without professional experience. With 800 applicants competing for 90 slots, the school has to be sure those selected are truly committed. It makes sense, yet it seems that adolescence is being prolonged to a ridiculous degree this way."

Smelser has observed a change in his social-welfare students over the past few years. "It used to be that students were wondering how they could change institutions; now they are worrying about how they can fit into them."

Money and power

The women's movement has played some part in influencing female students to walk the straight-and-narrow path toward career success. Women students are generally more personally ambitious than their counterparts of the Sixties. A survey done of students in the class of 1972 at Stanford showed that 26 percent of the females intended to pursue professional careers — in comparison with only 6 percent in 1965.

"I want a challenging job where I'm paid a lot of money to be creative," declared a woman graduating from Stanford this year. "I think that young women in particular are experiencing a desire for money and power. It's similar to the way many blacks are fighting to gain the fruits of the middle class. Success in the career world has been denied to us for a long time — now we want the job satisfaction and earning power that had traditionally belonged to white males."

But the tightening job market, the women's movement, and the desire to channel ideals into practical means for social change are only part of the reason why

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students are exchanging protest for study. Norma Haan, a behavioral psychologist at the Berkeley Institute for Human Development who has done much research on the behavior of student activists, suggests that the winding down of the Vietnam war is also a major factor. "I don't think that the students have changed as much as the issues have changed," she said. "How do you protest something like Watergate? There are some issues that you can only stand testimony to. If conditions were to return where students felt threatened, such as having to fight in Vietnam, they would protest again.

"One of the main issues during the student movement was over the way colleges treat students. A result of the protests is that students are treated with more respect now. I'm not saying there's nothing left to protest, but there have been some successes."

Professional concern

Haan said that many of the young people she knew in the Free Speech Movement have gone into such fields as public health and teaching. Like Peter Schwartz, she believes that they will carry their ideals into their professions. "I think there will be more protests," she said. "They will be planned in a more effective way, with more effective organizing. Much of the protesting will come from professional people. An example is the nurses' strike. The nurses were demanding better patient care and more say in the running of hospitals. The nurses, like the student activists, were concerned with more than economic gain."

. . . Now

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Haan also believes that young people will continue to be vigilant against figures in authority. "This generation has more Freudian insight into why people behave the way they do than any previous generation. Since they're the first generation to grow up with TV commercials, they can also recognize the 'hard sell' much faster. Because of this, they are instinctively more skeptical of politicians and political issues."

William P. Beall, chief of the Berkeley campus police, said that students stopped demonstrating because they found it to be an ineffective way of achieving social change. There are also fewer non-students on the Berkeley campus these days, Beall remarked, and this has contributed to the quieter atmosphere. "In the Sixties, a great many people could move about more freely than they can today. There was more money to spare and for some reason many young people didn't see the need to finish their education. But with inflation, it costs more money to go to school. You have to get your money's worth, and there is less time to play around."

Beall doesn't think that the recent criminology demonstrations at Berkeley were a harbinger of a new era of student protest. "Unlike earlier demonstrations," he observed, "the criminology upsets leveled off after a certain point. They simply did not generate support of particular interest." But he added: "I'm not predicting that we've seen the last of the criminology demonstrations. The demonstrators said they'd be back in the fall, and we have no reason to doubt them."

Different climate

Chief Beall has worked on the Berkeley campus since 1969. "Around the time I came here there was a feeling of sadness on campus," he recalled. "There was a grimness in Sproul Plaza. Now, there is a much healthier climate. For one thing, there are a lot less people sitting around doing nothing."

If the mood in Sproul Plaza has changed, perhaps it is because the mood of the nation has changed, too. College campuses are reflecting the climate of the mid-1970s, just as they once reflected the climate of the 1960s. Now that inflation and the uncertain economy are such large national concerns, they are also the concern of students. More students are finding that when there is a shortage of jobs it is more important to do what is necessary to get one.

Along with steak and gasoline, activism costs a lot more these days.

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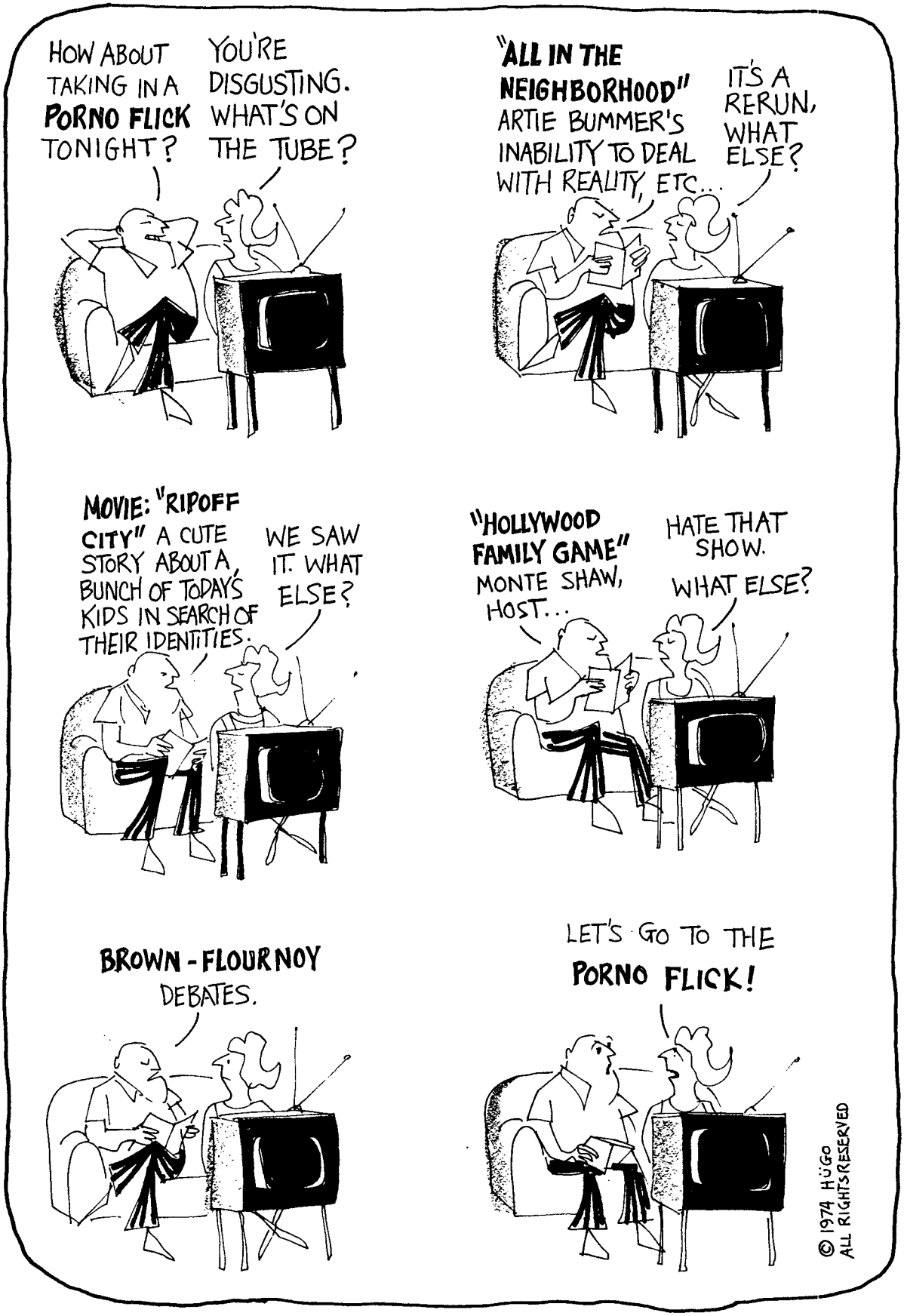
Caucus

by HüGo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If horse-racing is so clean, why the expensive lobbying?

By VONNIE J. MADIGAN

California horse-racing, legalized by the voters 41 years ago, is today a sophisticated and closely regulated industry that conjures up visions of colorful personalities and elegant tracks — while still raising eyebrows. Stepchild of the state, it will bring into the general fund an estimated $80 million this year on a bureaucratic investment of only $450,000. Indeed, thoroughbred-racing is today the most popular legal form of gambling in the United States, followed by harness-racing. Last year, Americans wagered $6,889,248,822 through pari-mutuel machines, according to *Money Magazine,* and California led the nation with $1,033,475,892 wagered.

The 1933 ballot arguments for and against creation of pari-mutuel racing in California epitomize the sport's split image. Proponents insisted that it would "substitute truth for hypocrisy", while the measure's opponents argued that the state would become the "hideout of thieves, gamblers, racetrack touts, dope gangsters and violators of women." The truth of the matter, not surprisingly, was to be found somewhere in-between, though a cloud of impropriety persists.

And yet the style and freedom from corruption of the sport as run in California are a matter of record: California led the way in controlling medication and stimulation of horses, for example, and photographic identification tags — made on the spot — are required of all authorized personnel as a means of keeping out "unfavorable elements".

Lingering doubts

So why the air of cynicism that attaches to "the sport of kings"? William Hauck, director of the Assembly Office of Research and former consultant to the Assembly Governmental Organization Committee (clearing house for horse-racing legislation in the Assembly), explained it as being in the nature of the transaction. "One of the most sensitive things you have about you is your money," Hauck said. "Where you have this kind of money-changing at a pari-mutuel window, you wind up with a situation where it is obvious that tremendous abuses can take place. This is why the horse-racing industry is so carefully regulated by the State of California; it is a carefully regulated industry in the public interest."

As a hedge against public disfavor reflected in adverse legislation, the industry is well represented among the most well-heeled of Capitol lobbyists. These representatives of a public-interest activity share a reluctance to talk openly about their clients. Only Ken Ross, advocate for Los Angeles Turf Club, Inc., (which operates Santa Anita), consented to an interview, and his remarks supported the contention that his colleagues might be expected to maintain — that horse-racing in California is a very clean operation. "Any unfavorable elements are kept off the tracks," he said. "They won't let a bookie into a track, much less have any truck with him."

Why, then, this cloud that persists in the public's mind and sends Ross' colleagues scurrying for cover? "I think the media leave that tone," Ross said. "The fact that wagering is related to horse-racing places a cloud over it. In my opinion we have never gone overboard in campaign contributions and have never been accused of using illegitimate approaches to our job."

Defensive posture

Ross and his colleagues work the Capitol closely because of their clients' dependency on the state. The need is particularly acute now as the wagered dollar competes with a shrinking entertainment dollar and inflated costs place horse-racing in a tightening profit-making position. In some southern locations, track property could be more profitably developed today into housing and shopping facilities.

The lobbyists representing the horse-racing industry have a strong, if colorful, reputation. Generous in the area of campaign contributions, their efforts have thus far held two of their biggest foes at bay — interests seeking to introduce new forms of gambling (most notably greyhound racing) and backers of off-track betting.

"If dog racing were introduced into Southern California," Ross said, "we'd probably take a 10 percent cut in profit. It would collapse us. Obviously, we are going to oppose something that we feel will destroy us."

Off-track betting threatens the industry because of the tracks' subsequent loss of revenue from concessions, parking and admissions. About half the net track income comes from a percentage of the wagered dollar, and the other half comes from these other sources. In New York, where off-track betting is legal, the horse-race industry claims that the tracks, running with half-empty grandstands, are taking a beating.

Bipartisan strategy

An important part of any government-business relationship in Sacramento is campaign contributions. Be-

The author, a free-lance journalist in Sacramento, wrote "The Chamber of Commerce's delicate balancing act," which appeared in the April issue.

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cause the state is controlling partner in the horse-racing marriage, "third house" generosity has extended to Governor Reagan and to state legislators of both parties.

Last year, the *Los Angeles Times* reported that the industry donated $33,000 of the $2.2 million received by Governor Reagan's 1970 re-election campaign. Another $18,000 was contributed to the Governor's tax-limitation initiative by Los Alamitos Race Course, the Horseman's Quarter Horse Association and the Southern California Racing Association; and the Hollywood Turf Club, which operates Hollywood Park, donated $15,000. (Reagan, personally interested in horse-racing as a former cavalry officer and breeder, remains an honorary member of the California Thoroughbred Breeders Association.)

The industry has given generously to state legislators of both parties. Some examples, noted by the *Times*:

- James Garibaldi, who represents Hollywood Park, among other high-rolling interests, gave $1,350 in 1970 to help re-elect Assemblyman (and later Speaker) Bob Moretti, who had been instrumental in passing legislation opening up the industry. In 1972 Garibaldi donated $500 to Democratic Assemblyman Leon Ralph, former chairman of the Assembly Governmental Organization Committee and now chairman of the Rules Committee, $800 to Democratic Senator Lawrence Walsh, and something less than $500 each to Republican Senator George Deukmejian and Democratic Senator Joseph Kennick and Assemblyman Alex Garcia, also a Democrat. (They have in common membership on committees that consider horse-racing legislation.) Incidentally, Moretti refused to discuss his racing relations, and Ralph could not be pinned down to a comment.

- E. A. Long, lobbyist for Western Harness Racing Association, which runs night harness-racing at Hollywood Park, donated $2,500 to Senator Kennick and $1,000 to Assemblyman Ralph, with additional unspecified amounts of less than $500 to Republican Senators Robert Stevens, Deukmejian and Lou Cusanovich, and to Democratic Assemblymen Moretti, Garcia, Joe Gonsalves, Jack Fenton and Mike Cullen. (All except Moretti, who was then speaker, were members of committees handling racing legislation.)

- Frank Vessels of Los Alamitos Race Course donated $1,000 to Kennick's campaign in 1972 and unspecified amounts of less than $500 each to Democratic Assemblymen Ralph, Fenton and Garcia and to Republican Assemblyman Robert C. Cline, also a member of the key Governmental Organization Committee.

- Victor F. Stefan, who represents the Southern California Racing Association, contributed $1,000 to Kennick in 1972, and something less than $500 each to Moretti and Senator Cusanovich. Stefan refused to discuss his lobbying activities.

- The Horsemen's Quarter Horse Racing Association, which runs Los Alamitos Race Course, donated $2,000 in 1972 to Fenton, $1,000 to Ralph and less than $500 to Garcia.

Meeting obligations

Since horse-racing profits are legally set, operations are heavily regulated, and the state virtually promotes horse-racing, one might wonder why the tracks and horsemen are pouring these thousands of dollars into political campaigns. While not alluding to fear of a shift in public sentiment against legalized racing, Ross justified the widespread and bipartisan distribution of campaign contributions as a means of meeting "obligations".

"I think you'd find nine out of ten advocates would be tickled to death if they didn't have to give a dollar and would feel that their role up here was not materially disturbed at all," Ross commented. "It is not an essential element in getting your job done, except that we are now the only place the member has to look for contributions. If you don't do what they feel is your share, then they figure you are unconcerned about them and about their re-election." The implication is that such a lawmaker might reciprocate the unconcern.

The L.A. Turf Club, under Ross's direction, initiated a new approach to campaign contributions. It is based on providing mailing services (primarily computer services) to state legislators proportionately through the party caucuses in both houses. "We are giving it in a form where we are a step away from the recipient and where nobody can say he [the legislator] is putting it in his pocket," Ross said.

Judson Clark, a former Assembly consultant now in the government research business privately, said, "I used to kid the lobbyists about spending all that money, because what can really be done to change the system? I think the feeling is: 'We've got something that's working; let's make sure that it stays that way.' They can't get off the merry-go-round."

Sweetening the pot

The continued prosperity of the racing industry in the face of inflation can be attributed to passage of two major pieces of legislation — Moretti's AB 1082, passed in 1967, and Mike Cullen's AB 205, passed in 1971.

AB 1082 increased the number of racing days permit-

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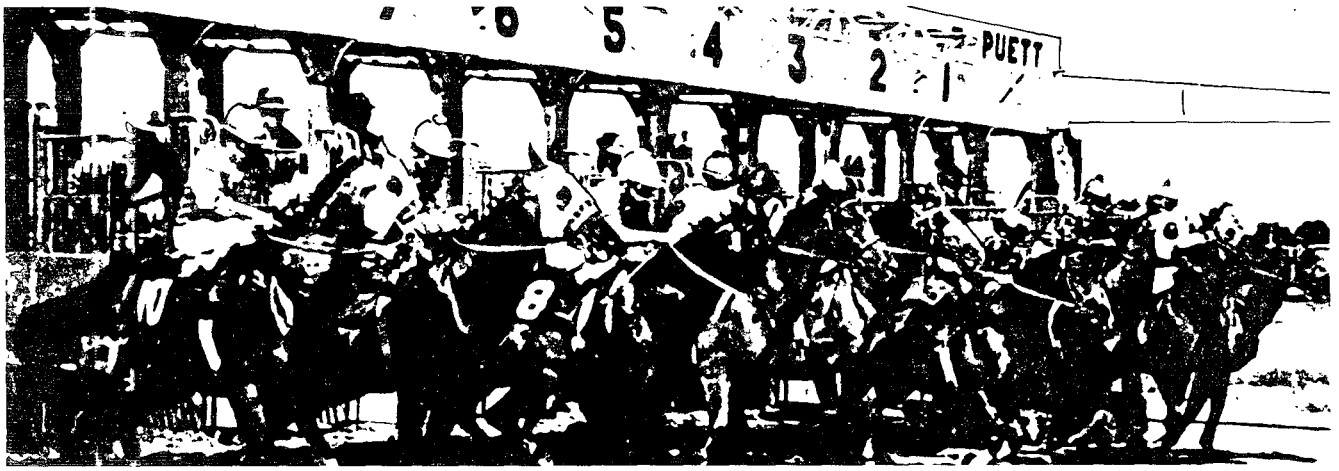

ted in the state, thus increasing tracks' revenue potential. Santa Anita and Hollywood Park, formerly limited to 11 weeks, were given 15 weeks of racing, for example, and other tracks' meetings were increased similarly. The legislation also allowed night racing. Before AB 1082, net track revenue in the state was $37.5 million; in 1973, the extended meetings boosted profits to $59.1 million.

Cullen's AB 205, known as the Omnibus Racing Act, provided a $9 million tax break for horse-breeders and track-owners. It also allocated more racing days, cut the return to the bettor on his betting dollar and the revenue for local communities with racetracks or horse farms within their borders. The law's intent was to make the breeding industry in California more competitive with thoroughbred breeding in other states. The breeders' tax break thus was sought to encourage breeders to keep their stallions in California rather than take them out of state. The reasoning: Better horses make better races and better purses, all of which draw more bettors.

"Our income is up substantially over what it was," Ross admitted, "but we were literally going down the drain in the face of all the additional costs. The state has a stake here it should protect. The Legislature has some responsibility to try and keep racing healthy if it's not costing them. In contrast, racing is earning a lot of money for the state."

Low-cost revenue

As a revenue source, horse-racing is relatively efficient, though the state gets less than one cent of its revenue dollar from horse-racing (as against 34¢ from the sales tax). But collecting racing revenues requires no huge state bureaucracy; the money almost falls into the general fund. The horse-racing industry made $48.7 million for the state in 1967. With passage of Moretti's legislation, California received $72 million in 1972-73. In that sense, at least, what is good for horse-racing is good for the state.

About 17 percent of the betting dollar is divided between the state, track operators and horsemen. The state gets seven percent, the track operators six and the horsemen four. The state determines license fees, commissions and purses based on the amount of money handled by a track — referred to as the "handle" — and all but four percent of the proceeds goes into the General Fund. (The remaining four percent is deposited in the Fair and Exposition Fund to finance Cal Expo and county agricultural fairs.)

The California Horse Racing Board regulates the industry. It licenses racing associations, designates racing and charity days, hears complaints as a quasi-judicial body, collects the state's share of revenues, and enforces the laws. While theoretically the board's most powerful responsibility is its award of racing dates, the board traditionally has re-awarded the same dates to the same tracks. ("It's a matter of acknowledging the best groups by their financial capability," explained Vincent Santopietro, the board's assistant secretary. "We simply do it from a practical standpoint.")

Because of the clarity and tightness of the law, the board has limited discretion in administering horse-racing. "They look us over very carefully," Ross said, "and we have to disclose all of our financial activity to the racing board by law. Everybody has access to any profit that a racing track is making, and the Legislature determines whether that profit is acceptable or not. We are totally regulated, in terms of our ability to race. Even though we have a facility, it isn't guaranteed to us."

Ethical question

This raises the question of the state's obligation to protect this revenue source by sustaining marginal tracks. Should the state forego immediate revenue to keep presently marginal tracks alive ten to twenty years later? For example, the Cal Cap races at Cal Expo have been running at a $100,000 yearly loss, and as a consequence the state eased the track's licensing fees and increased the number of racing days in hopes of reversing the deficit.

Meanwhile, San Diego State University is catering to the bettor through a course in horse-race handicapping that is a mixture of theory and pragmatism, seeking to develop handicapping skills, understanding of racing and betting rules, and an appreciation of the "goals" of thoroughbred breeders. (The course is topped by a day at the celebrity-frequented Del Mar Race Track, 20 miles north of San Diego.)

Some interests question the legitimacy of the state's role in public gambling. Parke Terry, present consultant to the Assembly Governmental Organization Committee, put the problem this way: "You are telling people, in a Madison-Avenue-type way which is sort of at odds with the consumer movement, that this is a good bet. I think most gamblers with any knowledge know that it is not a good economic bet for the consumer. The marginal utility of that money is pretty damn small, but some people like to gamble."

Apparently, a majority of Californians continue ready to indulge this desire. And the industry will continue its lobbying to see that that situation doesn't change.

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Chicano political power in California is suddenly on the rise. Only a few years ago, the state had just one Mexican-American congressman and an occasional Chicano assemblyman or two. The Legislature now contains six Chicanos, one senator and five assemblymen. November's election should produce yet another Chicano senator and perhaps an additional congressman. The Chicano caucus in the Assembly showed its strength last summer by providing Leo McCarthy's margin of victory in his speakership contest with Willie Brown.

Despite these advances, however, Chicanos have only begun to approach their political potential.

The awakening of another political giant

By SUZANNE BARBA

The Mexican-American political movement is a sleeping giant that is just now beginning to awaken. Mexican-Americans represent the largest minority group in California, comprising about 16 percent of the population, 2.2 million people, and increasing more rapidly than any other group. Between 1960 and 1970, there was a 113 percent increase among Latins — most of them Mexican-Americans — in Los Angeles County.

Yet, despite the numbers and the needs of Mexican-Americans in California, they have been politically invisible. Of 15,650 elected and appointed officials in municipal, county, state, and federal government, only 310 are Mexican-Americans. In other words, an identifiable group of 2.2 million people has managed to contribute only 1.98 percent of government officials. In California's three largest cities, only 1 of 99 official positions is held by a Mexican-American. In Los Angeles, where Mexican-Americans comprise 18 percent of the population, the only Mexican-American elected official is Julian Nava, a member of the Board of Education.

Did the Mexican-American political movement "go to sleep"? More accurately, it was *put* to sleep by years of rejection, neglect, outright exclusion, racism and disillusionment. Because of his political weakness, the "giant" could not break through the educational roadblocks that steered disproportionate numbers of minority children into classes for the mentally retarded, or climb over economic stone walls barring minority workers from responsible, decision-making jobs — or under-employed them on the lowest rungs of the employment ladder. Stripped of his culture, heritage and language, he was then "programmed" to feel ashamed that he was different, which in Anglo society meant inferior.

Quiet development

But the Mexican-American political movement is no longer asleep and, in fact, has been developing for a number of years, though few outsiders recognized it.

As far back as 1929, an organization called the League of United Latin American Citizens (LULAC) was working toward economic, social and political rights for

Mexican-Americans. LULAC has initiated successful legal action in several states to stop de facto segregation. In 1948, the GI Forum was started to combat discrimination and mistreatment of World War II veterans, but the group now heavily accents political action. Nonpartisan, but predominently Democratic, it is active at all levels of the American political system and employs a full-time lobbyist in Washington. Prominent in organizing "Viva Kennedy" clubs in the 1960 presidential campaign, it is one of the most important and widespread Mexican-American organizations. In the 1940s, a Mexican-American named Edward Roybal, who lost an election to the Los Angeles City Council, started the Community Service Organization (CSO). In 1948, CSO precinct workers registered 15,000 new Mexican-American voters in Los Angeles, and sent Roybal to Congress with a victory margin of 8,000 votes. Mexican-Americans had not only won a voice in Congress but had learned a lesson in politics as well.

In 1958, the Mexican American Political Association (MAPA) was formed by Bert Corona and Edward Quevedo in an effort to increase Mexican-American representation in the Democratic Party. When the Democrats showed little interest in integrating MAPA into its structure, MAPA went its own way; it now seeks out Mexican-American candidates, supports them, conducts voter-registration drives, and is active on issues involving discrimination and violation of civil rights.

In 1967, the Mexican-American Legal Defense and Education Fund (MALDEF) was founded to advance the civil rights and legal education of Mexican-Americans. MALDEF has played an important role in reapportionment, voting rights, busing and fair-employment practices.

There are many other Mexican-American organiza-

The author, a senior journalism major at California State University Fullerton, prepared the study from which this article was drawn for a course on California government and politics.

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Ed Roybal | Ruben Ayala | Ray Gonzales | Alex Garcia | Peter Chacon | Richard Alatorre | Joe Montoya

tions, which is both a blessing and a curse. Unlike the NAACP and Urban League which can speak as one voice for the black minority, Mexican-Americans have many organizations doing many different things. Some work in economic areas, others deal in matters of education, business, employment or health. When someone in political power wants to speak with the spokesman for the Mexican-American, there is no head of any one organization who can legitimately claim to speak for him. Mexican-Americans resent the inference that their political movement "copied" the black movement, when the history of their activity began long before Watts was burned and Martin Luther King marched in Selma. Nonetheless, they have been less effective in improving their representation.

While those blacks who did reach positions of political influence — such as Assemblyman Willie Brown, state Senator Mervyn Dymally and Los Angeles Mayor Tom Bradley — have been sympathetic to other underrepresented minorities, the *machismo* aspect is important to the Mexican-American, and being helped up the ladder like a political weakling is not how he wants to get to the top. One factor that has bolstered *machismo* and become a rallying cry for the political activist is adoption of the label "Chicano". There are many views concerning when it began, why it began and what it really means, and some of the more conservative Mexican Americans, those who would rather work through the establishment, have refused to use the label. Despite this resistance, however, the word has become a symbol of political activism, youth, ambition, pride, aggressiveness, comaraderie. In a sense, "Chicano" has become a unifying force for a group that is unable to find and support a flesh-and-blood spokesman.

Catalytic events

Carlos Muñoz Jr., in an article called "Chicano Militancy in California, A Quest for Identity and Power," [see *Racism in California,* edited by R. Daniels and S. C. Olin Jr.] attributes development of the Chicano political movement in California to a number of catalytic events, among them:

The migrant farm-workers' movement in Delano. Under Cesar Chavez, the movement came to national attention.

The 1968 protest march in the East Los Angeles barrios. Thousands of Chicano high-school students staged a dramatic walkout from predominently Chicano high schools to protest an inferior education — "the first massive urban demonstration in the history of Chicano America." The emphasis for the first time shifted to Chicano youth.

Another significant event was the moratorium march in East Los Angeles, which started as a protest about the disproportionate number of Mexican-Americans dying in Vietnam, and against the war itself, but turned into an ethnic confrontation with police. The circulation of stories about police brutality and the shooting of Ruben Salazar, a reporter for the *Los Angeles Times* who had been sitting in a bar when police fired through the door, have made many Mexican-American fence-sitters and political spectators become Chicano supporters and activists. Since, there have been a few successes here and there: Ruben Ayala's election this year to the state Senate from San Bernardino County put a Mexican-American in the upper house for the first time since 1911, and Assemblyman Alex Garcia appears to be a cinch to win the new 24th senatorial district seat in November (and he will be replaced in the Assembly by another Chicano, Art Torres); Chicano assemblymen now sit in the lower house where, Assemblyman Joseph Montoya is majority whip and Ray Gonzales heads the Education Committee.

In short, things are looking up, if modestly, for the Mexican-American. There has been legislation to have more bilingual and bicultural instruction in schools, and more Mexican-Americans are being encouraged to attend college instead of being automatically channeled into trades. (Congressman Roybal had been counseled to be an electrician and Dr. Julian Nava was advised to take auto mechanics.) Governmental agencies are "forcefully suggesting" that business, industry and educational institutions develop realistic "affirmative action" programs.

Political awareness

Several years ago, a joke had it that if an assemblyman wanted to have a "Chicano caucus" he could go into a closet and talk to himself; now that closet would be crowded with five Democrats — Assemblymen Chairman Richard Alatorre of Los Angeles, Peter Chacon of San Diego besides Garcia of Los Angeles, Raymond Gonzales of Bakersfield and Montoya of La Puente. The caucus considers that it played an important role in getting reapportionment into the hands of the court after having come to realize that Chicanos would never get a satisfactory reapportionment while the incumbents were redrawing district lines with an eye, mainly, to retaining their own seats.

Today, Assemblyman Alatorre expresses optimism over the Chicanos' political future. "I believe that the Mexican-American voter will be the 'swing vote', in the general election," he said. "By 1980, the Mexican-American community will be strong enough politically to elect a governor or, at the minimum, a lieutenant governor."

Still, the court-ordered reapportionment did not fully correct the gerrymandered Chicano's problem: Ayala won his primary by a thread, even in a Watergate year; many who voted for Alatorre thought he was an Italian, and he didn't try to correct that impression; and voters remain reluctant to elect someone who appears to represent only one segment of their community.

Some Chicanos see a political future in La Raza Unida as a third political party, with its declaration of independence from "Anglo oppression and for Chicano liberation." But while La Raza may be working in Texas, there is no convincing evidence that it is emerging as a third party in California. [See " 'The years of shout' seem over in Chicano politics," *C.J.* May 1973.]

Chicano political power today is barely emerging, but the giant's siesta is, clearly, over.

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Take two aspirins and...

Rx for the doctor: malpractice-insurance reform

By BRUCE KEPPEL

The year 1973 was one of multimillion-dollar medical malpractice awards in California, capping a sharp increase in the number of claims filed and damages granted. A jury awarded a paralyzed San Rafael youth $4 million, in one widely reported example, while, in another, a Sacramento patient incapacitated by needless "corrective" surgery won $3.7 million. There were also a handful of hefty out-of-court settlements. Medical malpractice had itself become a disease that threatened the structure of medical practice and poisoned the doctor-patient relationship.

The Assembly Select Committee on Medical Malpractice also began studying the problem that year, and this summer it released a preliminary report that included a number of legislative proposals (mostly of a technical nature). Several of these were enacted in the last days of the 1973-74 session, but substantial reform remains for the future. Some of the committee's findings:

- Malpractice claims in California rose about 40 percent over the last decade.
- Medical malpractice awards sent physicians' insurance premiums soaring (with a 400 percent increase recorded between 1968 and 1970).
- As much as $1.50 of a doctor's office-call fee can be attributed to the cost of a malpractice-insurance premium, which has increased 500 percent in recent years.
- Litigation is protracted and costly, the awards sought are often sensationally large and widely publicized (as the generally much smaller settlements rarely are), encouraging others to enter the game.
- Fear of such suits had lead some doctors to become "defensive" and order marginal medical tests to protect themselves from possible litigation, thus increasing medical costs.

The phenomenon of the multimillion-dollar malpractice claims, the committee found, overshadows a lack of legitimate claims at the other end of the scale; persons seeking to recover damages for amounts under $10,000 find few lawyers willing to handle such low-profit cases.

The committee, headed by Assemblyman Henry A. Waxman, carefully noted in its report that malpractice is not just a doctor's problem, but "merely one piece of a complicated social-engineering puzzle."

"The medical malpractice controversy," the report notes, "comprises a wide number of problems which affect the legal, medical and insurance professions, as well as health-care consumers. Often these problems do not confine themselves merely to medical malpractice. Many doctors, for instance, feel strongly that the contingency fee — an arrangement between a plaintiff and his attorney which guarantees the attorney a certain percentage of any award recovered — is inequitable and promotes nuisance suits. Yet, the contingency fee applies to litigation of various kinds, not merely medical malpractice. Trial attorneys, on the other hand, point to malpractice litigation as the only effective form of quality control within the health-care delivery system. The absence of other effective quality-control mechanisms, however, indicates a need for more socially responsible regulation of health-care providers, an issue which would be just as important if there were a paucity of malpractice suits.

"In other words, the rise in malpractice litigation raises broad questions concerning the present status of our health-care delivery and legal systems."

Legislative response

The committee's prescription came in two doses. The first aimed at clearing up symptoms whose cause was readily accessible and generally agreed upon. These were the subject of a package of bills introduced last May, eight of which cleared the Legislature by adjournment August 31st. The speed with which they were passed suggests the limited scope and technical nature of these bills, but according to the California Medical Association, which supported most of them, several have special significance:

AB 4467 removes a requirement that the amount of damages be included in the malpractice complaint filed in Superior Court for personal injury or wrongful deaths until 60 days before the trial. The intent is to play down sensational publicity over the magnitude of damages sought which, according to a study by the California Hospital Association, averages 53 times greater than the actual awards.

AB 3633 encourages the exchange of evaluative information concerning a doctor's fitness between "any hospital, hospital medical staff, professional society, medical or dental school, or professional licensing board."

The committee also sought to remedy, through AB 4468, a paucity of information on malpractice insurance itself, though it found the insurance market to contain "a strong element of competition", (accompanied, however, by a higher-than-usual degree of instability.)

The competitive element stems not from a multitude of insurance firms seeking the physicians' premium dollar but from the fact that most of the coverage is through group policies. And these are generally negotiated by county medical societies or the California Hospital As-

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sociation. Instability, which heavily influences the market, enters through a number of factors unique to malpractice cases: One is that the claims occur generally several years beyond a given premium year, complicating actuarial prediction in setting insurance rates; another is that a very low percentage of the claims generate most of the damages paid, which means that a huge settlement or two could upset projections on which rates had been set.

To the committee, these particularities pointed up the need for close study by the state to assure that coverage remains available without generating undue financial hardship for physicians (who so far have been able to pass on their cost to their patients). Under AB 4468, which was also passed in the session's closing days, insurance companies selling medical malpractice policies will report annually to the state insurance commissioner on the number of lawsuits and their outcome, the total amount of premiums paid, and the number of physicians covered.

Assemblyman Waxman, in presenting his committee's report, stressed the limited scope of the initial package of legislation, but he promised more and grander things to come. "The more far-reaching proposals for revamping the present system for professional liability — *e.g.*, no-fault insurance or compulsory arbitration of all claims — must obviously await further study."

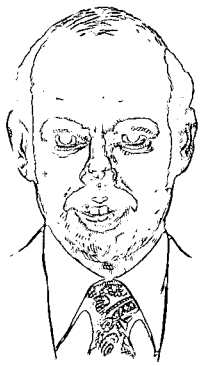
Waxman himself will not be involved in any further study, however, since he is headed for Congress. Just who will carry on is not known, and Assembly Speaker Leo McCarthy has declared war on the proliferation of select committees. Nonetheless, McCarthy is expected to assign the subject to a subcommittee of one of the lower house's standing committees. If so, major medical malpractice legislation can be expected during the 1975-76 session, which convenes in December.

Certain to come under scrutiny will be an arbitration plan begun this year in New York's Suffolk County. Under the plan, damages may not exceed $25,000. Once both parties to the complaint agree to arbitrate, the outcome is binding. The Waxman committee noted that such contractual arbitration is beginning to appear in malpractice insurance programs in California, but it found no cases of a state's having instituted a system in which arbitration is compulsory. The committee suggested studying a program of compulsory arbitration for claims under $10,000, after concluding that patients whose damages fall into this category now have no practical legal recourse.

Another possibility would be to create an administrative agency to resolve malpractice claims and discipline physicians.

No-fault concept

Still another way of handling complaints — one examined in a two-year federal study of medical malpractice conducted by the Department of Health, Education and Welfare (and published in January 1973) — involves creation of a no-fault method of compensating medical injuries, possibly along the lines of Workman's Compensation. Instituting such a system would involve resolving a number of difficult problems (such as just what constitutes a compensable injury and at what point in creating the injury medical intervention can be said to have occurred). Just as with proposals to institute no-fault automobile insurance in California, it is also very difficult to estimate what such a system might cost.



Henry Waxman

What malpractice insurance costs

Medical malpractice insurance rates will go up 15 percent November 1st in 23 Northern California counties (exclusive of the Bay Area). The current annual premiums for each of the four categories of insured practioner:

- Physician doing no surgery ..... $ 896.
- Physician deriving no more than five percent of income from surgery ..... $1,704.
- General surgeon ..... $2,856.
- High-risk fields (*e.g.*, anaesthesiology). $4,280.

According to William Doctorman, executive director of the Sacramento County Medical Society, the rates are higher in the Bay Area and higher still in Southern California.

Reforming medical board

Another proposal would involve reorganization of the state Board of Medical Examiners. Its licensing function would be split off from its disciplinary role and instituted in separate agencies. Staffs would consist of full-time, paid professionals, including members of the public, rather than the volunteer doctors now appointed. But the lawmakers leveled their chief criticism at the board's "dismal" record in revoking the license of doctors who exercise "gross negligence" or "gross incompetence", which it has done in only 15 cases since 1968.

The widely reported case of a Sacramento orthopedic surgeon named John Nork focused attention on the lack of effective safeguards against incompetent practitioners. For years, Nork had performed "needless and negligent back operations" on hundreds of unwitting patients," the committee reported. His trial culminated in a multimillion-dollar award last November, accompanied by the judge's sharp criticism of the board's competence to protect the public from such a surgeon as Nork.

Paul Brown, a lobbyist for the California Medical Association, said that the fact that a Doctor Nork could continue practicing for years had convinced the medical profession that changes are indeed needed and that an effective means must be found to spot incompetence and to discipline the perpetrator or remedy the practice promptly and effectively. The CMA views medical malpractice, Brown said, as a social issue that is not advanced by the adversary relationship that malpractice claims now impose on the doctor-patient relationship, which is already eroding under the growing depersonalization of medical practice.

But time ran out on both the committee and Chairman Waxman before more far-reaching reforms could be developed into remedial legislation. What has been changed will neither bring the incipient malpractice epidemic under control nor bring relief to those who suffer damage. For that, more than aspirin and Band-Aids will be needed.

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Local reorganization and the decline of the urban county

Step by step over the last decade, the federal and state governments have been adopting new laws that have had a revolutionary effect on the role of local government in California. Now, there are relatively few major policy decisions left for the 58 county boards of supervisors. So much power has been removed from counties and so many restrictive statutes have been enacted that this question might well be raised: Is the county, as we have known it in California, now obsolete?

This question is especially applicable in urban areas, where most services directly affecting the life-styles of the residents are supplied by cities and special districts. In rural regions, the county remains the basic unit of government; while its powers may have been critically impaired, there remains a basic function — if only law enforcement by the sheriff.

Look at what has happened to county authority:

Taxation — First, the Legislature adopted a bill placing rigid restrictions on county assessors to create uniformity of evaluation methods and to minimize favoritism and outright fraud. Then came the massive tax-reform measure, sponsored by Governor Reagan and former Assembly Speaker Bob Moretti, that froze property-tax rates for local government. As a result, counties have much less flexibility in financing local programs.

Transportation. In the San Francisco Bay Area, the Legislature created the Metropolitan Transportation Commission to control transportation decisions. Funds have been earmarked for mass transit that previously would have been available to supervisors for road purposes. The reduction in funds available for state highway construction has given counties less influence in negotiations with the state over highway routings. In recent years, the state Highway Commission has been forced to put top priority on federal interstate freeways.

Environment. This perhaps is the field in which the most significant changes have occurred. Some examples: The state Water Resources Control Board can now prevent construction in a county failing to meet clean-water standards. The San Francisco Bay Conservation and Development Commission was given planning power over the shoreline of San Francisco Bay that was previously exercised by local government. This was followed by the creation of the state coastline commissions, which has veto power over construction all along California's shoreline. The state has required that more environmental elements be placed in local plans and has enacted the Environmental Quality Act requiring preparation of environmental impact reports on all major proposed construction projects.

Health and welfare. The counties are paying huge sums for health and welfare programs that are almost totally controlled by the state and federal governments. And this is no minor matter; it constitutes more than half of the budget in urban counties. (The current Alameda County budget, for example, totals $300 million, and 58 percent is allocated to health-and-welfare items.) A decade ago, counties operated health programs for the poor in local facilities, primarily county hospitals. With the advent of Medi-Cal, the federal and state governments took over the problem but continued to extract funds from counties to help pay for it. The federal government has started a program to take over administration of social welfare, and counties now are out of the picture for the aged, blind and disabled (except for a cash contribution). Counties, under strict state regulation, still administer the controversial aid-to-needy-children program, but there is a strong move being made to take that away. Counties also maintain a general assistance program for those outside the basic welfare categories.

Federal aid. The federal Government has forced local government to form regional organizations such as the Association of Bay Area Governments (ABAG) and the Southern California Association of Governments (SCAG) in order to collect federal funds for a variety of projects. These regional organizations theoretically certify that the proposed local project conforms to sound regional planning principles. The result is a loss of independence for the counties.

Myth of partnership

Thus, it is a myth that the counties, the state and federal government fund and administer a variety of programs under a "partnership". The counties have found themselves in the position of taking orders from Sacramento and Washington, with a subsequent gradual loss of power and control over locally raised tax dollars. This has been partially brought about by a lack of effectiveness of the County Supervisors Association in the state Capitol. The association has long been viewed as representative primarily of the rural viewpoint, and most urban counties have seen fit to assign their own advocates to Sacramento.

Despite a widespread feeling that something is wrong with local government in California, there is far from a consensus on what direction changes should take. The Reagan administration's task force on local government emphasized a splintering of governmental authority so that the people could apply maximum pressure to local agencies [*CJ,* January 1974, p. 28, and September 1974,

This article was researched in part by Michael D. Kesinger, a summer student at the University of California at Davis and a Journal *intern.*

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p. 304]. But this runs counter to the prevailing view that California already has too many governmental units and that some of them should be merged.

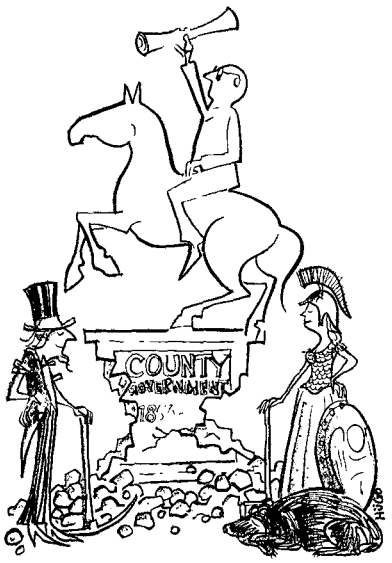
For many years, the best prospect for major change was in the Bay Area, where powerful forces have been at work to create a regional government that would have so much authority that counties would have little more to do than run the courts and the jail system (now about 15 percent of the budget of a typical urban county). Assemblyman John T. Knox of Richmond failed again this year to get his regional government bill enacted, due less to the organizational reforms it would bring about than to a dispute over selection of directors for the proposed agency. Knox will probably have a better chance with his proposal in a post-Reagan era, especially since Bay Area voters in June decided to replace the present appointive board of the Bay Area Rapid Transit District (BART) with an elective one.

Sacramento decision

But the prime chance for a major change in local government now is in Sacramento County, where voters will decide in November whether to merge most of the area's local governments into a new, single unit. The proposal somewhat resembles the city-county government system in San Francisco, but it differs significantly, too, and also applies to an area of far different geographic characteristics.

Here are the main elements in the proposed charter for the City and County of Sacramento:

- The mayor would be chief executive officer of the city-county, with the power to veto ordinances passed by the 11-member board of supervisors elected from 11 wards. The mayor would present the annual budget and have the power of line-item veto. He could be overridden by a vote of at least seven of the 11 supervisors.
- The chief administrative officer (CAO) would be appointed by the mayor, subject to confirmation by the supervisors. He would serve at the pleasure of the mayor. The supervisors would be expressly forbidden from exerting pressure on the CAO or on any department head, without going through the mayor.
- The public would elect an assessor, auditor, district attorney, sheriff, a county board of education and members of community councils. In 1976, the voters would decide whether the chief law-enforcement officer should be appointed (like the present city police chief) or elected (like the present county sheriff). The supervisors would appoint an ombudsman for a five-year term.
- Community councils would be established in the urban areas (with authority to establish a property tax) and with powers largely to be delegated by the supervisors. However, the councils could operate parks and recreational facilities, street lighting, cultural activities, parking meters and a variety of other services. The supervisors are specifically required to take advice from these councils on a long list of community programs.
- For purposes of taxation, the county would be divided into general, urban and suburban districts, and two levels of services may be provided.
- All but ten special districts operating in the county would be merged with the city-county government. School districts would not be affected by the charter. The small and isolated cities of Galt, Folsom and Isleton could vote to remain independent.



- An "affirmative-action" employment program would be required to seek out minority employees. A civil-service commission would make final decisions on personnel matters and, in the case of prolonged negotiations, retroactive pay could be paid following the signing of an employment agreement.
- The first elections under the charter, should it be approved on November 5th, would be held in September 1975, with officials elected at that time assuming office three months later.

Should this charter be adopted, Sacramento would have a "regional city" much more resembling a municipality (as does San Francisco) than a county. The community councils would be far weaker than present cities and their real effectiveness will depend on how much independence they are granted by the city-county. Even if the proposal should be rejected, its significance should not be minimized. This new form of government was prepared by a commission containing numerous government professionals who are in a position to influence future state decisions.

Local-government reorganization plans are also under discussion in other parts of the state. In San Diego, there is a power struggle between the central city and the county, and, although the county is geographically the larger unit of government, it does not necessarily hold the upper hand.

Counties' vulnerability

Cities have done a fairly effective job in Sacramento protecting their flanks, mainly through the efforts of the League of California Cities. But the counties have been easy targets, partially because they happen to have administered programs that have been funded to a large degree by the federal government. And the counties face even more intrusion on their authority.

One of the next major goals of the environmental movement will be enactment of a sweeping land-use law that would provide a mechanism — much like the coastal commission — to reject local planning decisions. This would be felt mainly by the counties that are considering major new construction, because minor changes in urban zoning would probably not come under the statewide planning commission.

There is also the strong possibility that within the next few years the state will adopt a measure of court reform (a joint legislative committee is at work on it) and jail reform. Passage of legislation in these fields could result in the final stripping away of what relatively little true independence is still possessed by California's county supervisors.

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Significant court actions

Lack of class

In a 4-3 ruling of special significance for Los Angeles, San Diego, Orange County, San Diego and Fresno, the state Supreme Court decided last month that property-owners in the flight patterns of an airport cannot bring class-action suits for damages caused by vapor, dust and vibration. The majority opinion, written by Justice William P. Clark, held that each owner's right to recover depends on the facts peculiar to his or her property and that there is thus not sufficient "community of interest" to employ the class-action suit. (A class-action suit is one in which one or more persons file on behalf of anyone else with the same grievance, without naming them specifically in the pleading.)

The case was brought by Lands Unlimited, representing owners of 733 parcels in the flight pattern of San Jose Municipal Airport. The trial court had found that there was sufficient community of interest for a class-action suit, but the city appealed. Clark said, in *San Jose* v. *Superior Court,* that the case was predicated on facts peculiar to each plaintiff and accordingly depended on "a myriad of individual evidentiary factors . . . . While landing or departure may be a fact common to all, liability can be established only after extensive examination of the circumstances surrounding each party." He was joined by Chief Justice Donald Wright and Justices Louis H. Burke and Marshall F. McComb.

The dissent, written by Justice Mathew O. Tobriner, criticized the majority for noting the issues that divide the class but ignoring "the more significant common issues of law and fact which unite the class." Tobriner, Justice Stanley Mosk and Court of Appeal Justice Wakefield Taylor found no evidence that the trial judge had abused his discretion.

Compelling testimony

As a result of a unanimous decision of the Supreme Court, judges will hereafter be able to grant criminal immunity to individuals in order to force them to testify in civil cases. In *People* v. *Superior Court (Kaufman),* Herbert Kaufman and others were charged with a fraudulent scheme involving entertainment jobs. Kaufman refused to answer questions during pre-trial civil proceedings on the ground that the answers could tend to incriminate him. The prosecution sought a court order granting him immunity, but the court said there was no such jurisdiction in a civil suit.

Chief Justice Wright, who wrote the opinion, found that the law is moving in the direction of relieving an alleged wrong-doer of the threat of criminal prosecution in exchange for incriminating information serving a socially desirable end. The court found that while the civil penalty faced by Kaufman would be severe it was not tantamount to a criminal conviction and that Kaufman could thus be forced to testify.

Implied guarantee

In another unanimous opinion, the court ruled that builders and sellers of new construction are subject to an implied warranty that the completed structure was designed and built in a reasonably workmanlike manner. The decision, written by Clark, extends the application of warranties beyond those previously in effect for the sale of goods and to some contracts.

However, the plaintiffs in *Pollard* v. *Saxe and Yolles Development Co.* were unable to recover because the court found that a buyer is required to notify the seller of defects within a reasonable time and that a delay of almost four years in this case was unreasonable. The superior court had held that warranties do not apply to real property, but the Supreme Court found that the guarantee principle has been adopted into the law of real property.

Value of sex

If a person is injured through the negligence of another person, can the victim's spouse collect damages for loss of sexual relations caused by the injury? In a 6-1 decision, the state Supreme Court ruled that the marriage partner is entitled to compensation for deprivation of marital conjugal fellowship, known legally as loss of consortium.

Sixteen months after Richard and Mary Anne Rodriguez were married, he was permanently injured by a falling pipe, leaving him totally paralyzed in both legs, one of his arms and most of his torso. Both Richard and Mary Anne sued, and she sought compensation for loss of consortium. The trial court, following a 1958 Supreme Court decision, dismissed her part of the suit.

In *Rodriguez* v. *Bethlehem Steel Corp.,* the court pointed out that there has been a dramatic reversal in the attitudes of state courts and legal scholars over spousal recovery for injuries to a mate. Justice Mosk, writing for the majority, rejected the argument that permitting Mary Anne to collect would amount to double compensation, saying that paying Richard for his inability to participate in a normal married life does not necessarily compensate her for her loss of conjugal fellowship. Justice McComb wrote a brief dissent claiming that any change in the loss-of-consortium law should be left to the Legislature.

No booby traps

If Californians want to protect their property from burglars, they must personally pull the triggers of their own weapons and not depend on booby traps or "spring guns". In a unanimous ruling, the Supreme Court upheld the assault-with-a-deadly-weapon conviction of a San Anselmo man who used a spring gun to protect his garage.

Don Ceballos lived alone above his garage. Some tools had been stolen from the garage, and the lock on the doors had been bent. He set up a loaded .22 caliber pistol so that it would fire if one of the doors were opened. Two days later, two boys attempted to open the door. One of the boys was struck in the face by a bullet.

In *People* v. *Ceballos,* the court declined to adopt a rule employed in some other states that a person can do indirectly by deadly mechanical device what he is authorized to do directly. Justice Burke wrote that the court cannot condone use of a device that might imperil children, firemen and policemen. Further, Burke said deadly force is not justified to prevent all burglaries.

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California NEWSMAKERS

Justice **Louis H. Burke,** a member of the state Supreme Court for 10 years, announced that he will retire before the end of the year. He will be 70 on January 4th and will have to retire by then to obtain maximum pension benefits. Governor Reagan named **Frank R. Richardson,** presiding justice of the court of appeal in Sacramento, to succeed Burke .... State Senator **Fred Marler Jr.** of Redding gave up his legislative post September 13th and was sworn into office as a Sacramento Superior Court judge. He had been redistricted out of his Senate district .... Reagan appointed former state Senator **Lewis F. Sherman** of Berkeley to the Alameda County Superior Court, a post Sherman won at the June election. Sherman, who had served as a Berkeley-Albany municipal judge for four years, is undergoing treatment for cancer of the pancreas .... Municipal Judge **James J. McCartney** of San Bernardino was formally censured by the Supreme Court for willful misconduct in office.

Following President Ford's pardon of **Richard Nixon,** it was revealed that Governor Reagan has used his authority to pardon, commute or reprieve sentences of 513 felons since taking office. One of those receiving a pardon was country-western singer **Merle Haggard,** who spent almost three years in prison for burglary and escape .... The Board of Governors of the State Bar decided to accept Nixon's letter of resignation from the Bar.

Donald W. Peacock, chief of the state Bureau of Repair Services, a part of the Department of Consumer Affairs, submitted his resignation to Governor Reagan after it was disclosed that he had used state time and stationery to campaign on behalf of his former boss, **John Kehoe,** Republican nominee for state treasurer. Kehoe formerly directed the parent department. Peacock was replaced by the bureau's assistant chief, **William J. Hayes** .... **Kirk West,** deputy state controller, was appointed executive vice-president of the California Taxpayers Association.

UC President **Charles J. Hitch** apparently won a vote of confidence from the Board of Regents in a bitter dispute over Hitch's plan to replace Dr. **James L. Born** as director of the Donner Laboratory in Berkeley .... **William Matson Roth,** unsuccessful candidate for the Democratic gubernatorial nomination, was elected president of California Tomorrow, a statewide environmental planning organization. He succeeds **Alfred Heller,** who had served as president since the organization's founding in 1961.

C. K. McClatchy was appointed editor of the Sacramento, Fresno and Modesto Bees by his aunt, Publisher **Eleanor McClatchy,** following the death of long-time editor **Walter P. Jones** .... **Don Harrison** was relieved of political reporting duties on the San Diego Union, at his own request, because he intends to run for the Assembly in two years as a Democrat. He was replaced by **Mike Davis,** a newcomer from Baltimore.

Assembly Speaker **Leo T. McCarthy** appointed freshman Assemblyman **Walter Ingalls** of Riverside as chairman of the Assembly Transportation Committee, replacing **Ken Meade** of Oakland. McCarthy also named Assemblyman **Charles Warren** of Los Angeles as chairman of the new Committee on Energy and Diminishing Materials. Both Meade and Warren, former Judiciary Committee chairman, had supported McCarthy's opponent, **Willie L. Brown Jr.,** in the recent speakership contest .... The Assembly adopted a resolution commending 94-year-old **Robert H. Simpson,** self-styled "muckraker-in-chief" of the Capital City. Simpson celebrated by getting arrested a 300th time for illegally picketing inside the Capitol.

Former U.S. Senator **Thomas H. Kuchel** was nominated by President Ford as one of the nation's five representatives to the United Nations General Assembly session this fall .... Former San Francisco Mayor **John F. Shelley** died at 69. He had served as a labor leader, state senator, congressman and lobbyist for San Francisco in Sacramento .... The state Senate refused to confirm three of Reagan's appointees — **John Edward Bowe** to a second term on the Youth Authority, **Jack W. Bradley** to a second term on the Workmen's Compensation Appeals Board, and **Robert W. Vickers,** director of the office of emergency services, to the Workmen's Compensation Appeals Board. The Senate did approve the appointment of Assemblyman **Bob Wood,** former Reagan press aide **Rudy Garcia** and holdover **Manuel Quevedo Jr.** to the Adult Authority .

APPOINTMENTS: Dr. **Earl Brian,** former state secretary of health and welfare and now an associate professor of medicine at the University of Southern California, to the Western Interstate Commission for Higher Education .... Retired Marine Brigadier General **Thomas F. Riley** to the Orange County Board of Supervisors .... Mrs. **Cleatter H. Saul** of El Cerrito as director of the state Office of Economic Opportunity .... Actor **Brock Peters** of Los Angeles to the California Arts Commission.

CALIFORNIA CALENDAR

Oct. 7-9	**Board of Equalization.** Room 102, 1020 N St., Sacramento 2 p.m.
Oct. 9-10	**Air Resources Board.** Resources Building Auditorium, 1416 9th St., Sacramento. 9:30 a.m.
Oct. 10-11	**Board of Education.** 1350 Front St., State Building Auditorium, San Diego. 9:30.
Oct. 10-12	**Law Revision Commission.** State Bar Building, 601 McAllister St., San Francisco. 7 p.m.
Oct. 11	**Park and Recreation Commission.** Barcelona Room, Balboa Park, San Diego. 9 a.m.
Oct. 14-15	**Post-Secondary Education Commission.** Cuyamaca Club, Executive Hotel, San Diego. 9 a.m.
Oct. 16	**Board of Trustees, State University and Colleges.** 5670 Wilshire Blvd., Los Angeles.
Oct. 16-17	**Highway Commission.** 1120 N St., Sacramento. 9:30 a.m.
Oct. 18	**U.C. Board of Regents.** University Extension Center, San Francisco. 9:30 a.m.
Oct. 18	**Senate Subcommittee on State Land-Use Planning.** State Building, 1111 Jackson St., Oakland. 9 a.m. (Proposed legislation and alternative models for long-range statewide land-use planning.)
Oct. 23	**Council on Criminal Justice.** Airport Hyatt House, Inglewood, 10 a.m.
Oct. 23-24	**Board of Governors, California Community Colleges,** Sheraton Inn - Airport Hotel, San Diego. 9:30.

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ROLL CALL

Among 1974 failures — no fault, farm labor

The first two-year session of the Legislature came to a close August 31st with more attention paid to what was not accomplished than to what was. The Legislature *failed to:*

- End the traditional flood of bills at the end of the session that has turned the Legislature, in its closing days, into more of a madhouse than a deliberative body.
- Enact a no-fault automobile insurance law, even though two rival bills passed both the Senate and Assembly at some point during the two-year session.
- Solve the state's farm-labor crisis by passing some law to provide for orderly recognition of unions.
- Eliminate the special reapportionment pension benefits for lawmakers, necessitating a special session that convened September 25th.

For several years, Assemblyman Jack Fenton has been successful in working his no-fault measure, backed by some insurance companies and guaranteeing a reduction in rates, to the Senate Judiciary Committee, where it has been killed. This year, his AB 50 went through the committee, primarily because two freshmen (Democrats Alan Robbins and Omer Rains) were added to the panel. But by the time the bill went back to the Assembly for consideration of Senate amendments, Fenton was no longer majority leader and his pal, Bob Moretti, was no longer speaker. The new speaker, Leo McCarthy, happens to be the law partner and close friend of the author of the rival bill, John Foran. Backed by the trial lawyers, the Foran bill also worked its way through both houses. But they killed each other off in the final days, with Fenton getting a 40-28 roll call, one vote short of enactment, and Foran's AB 801 dying, 34-16.

The farm-labor conflict is a three-sided affair involving the AFL-CIO union of Cesar Chavez, the Teamsters Union and the growers. A bill backed by Chavez and authored by Assemblyman Richard Alatorre passed the Assembly but had no chance in the upper house against the combined opposition of the other factions.

Although some bills died as time ran out, many others did go to the Governor, among them:

- A proposal by Senator Craig Biddle to strengthen the state Air Resources Board and create a South Coast air pollution district.
- A bill, long-sought by Assemblywoman March K. Fong, banning pay toilets in public buildings.
- A sales-tax exemption for hot dogs sold at Little League games.

(A summary of 1974 Legislative action will be included in November's Journal.*)*

Senate

BUSINESS

AB 1828 (Badham) — *Places cremation services not associated with cemeteries or funeral establishments under the control of the Board of Funeral Directors and Embalmers.* Passed, 22-8.

SB 1186 (Behr) — Permits revenue bonds to be used for the production of electricity. Senate concurs in Assembly amendments, 23-11.

CONSUMER AFFAIRS

AB 50 (Fenton) — Enacts "no-fault" auto insurance system under a plan generally supported by the insurance industry and requiring a rate reduction. Passed, 22-15.

AB 801 (Foran) — Enacts a "no-fault" system under a plan supported by trial lawyers. Passed, 21-18.

AB 1650 (Fong) — Bans pay toilets in public buildings. Passed, 24-13.

EDUCATION

AB 2586 (Vasconcellos) — Revises the Community College Board and establishes a nomination procedure for gubernatorial appointees to it and to the State University and Colleges Board of Trustees. Passed, 23-11.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through the end of the 1973-74 session. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

AB 2817 (Chacon) — Appropriates $11 million in additional money for bi-lingual education programs. Passed, 27-8.

SB 1463 (Behr) — *Requires energy conservation programs for students and teachers.* Conference report refused adoption, 19-19.

ENVIRONMENT

AB 2884 (Ingalls) — Revises composition of the Air Resources Board. Passed, 21-6.

SB 2471 (Holmdahl) — Repeals a state law requiring exhaust devices on 1966-70 model automobiles, except in six Southern California counties. Passed, 27-7.

HEALTH AND WELFARE

AB 2696 (Quimby) — Requires restaurants to have on premises a device for removing food lodged in a diner's throat. Passed, 22-9.

AB 3283 (Foran) — Increases aid to aged, blind and disabled welfare recipients. *Failed,* 20-14.

AB 3656 (Sieroty) — Requires counties to have a physician on call to treat victims of rape and other sex crimes. Failed, 16-21.

HOUSING

SB 148 (Moscone) — Authorizes issuance of $100 million in bonds to finance low- and

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SENATE (22 D, 18R)	AB 1818 SB 1186 AB 50 AB 801 AB 1650	AB 2586 AB 2817 SB 1463 AB 2884 SB 2471 AB 2696	AB 3283 AB 3656 SB 148 AB 726 AB 2758	AB 1112 AB 3400 AB 3671 AB 3801 AB 977 AB 1122		AB 1828 SB 1186 AB 50 AB 801 AB 1650	AB 2586 AB 2817 SB 1463 AB 2884 SB 2471 AB 2696	AB 3283 AB 3656 SB 148 AB 726 AB 2758	AB 1112 AB 3400 AB 3671 AB 3801 AB 977 AB 1122
Alquist (D)	*YNYY	YYY*YY	YNYYY	YYYYNN	Mills (D)	NYNYY	YYYYYY	YYYYY	YYYY*N
Ayala (D)	YYNYY	YYYYNY	YNYNN	NYYYNY	Moscone (D)	NYNYY	*YNYYY	YYYYY	YYYYNN
Behr (R)	NYYNY	YYYYYY	YNYYY	NYYYNY	Nejedly (R)	YNYYY	YYYYYY	YNYNN	NYYYNY
Beilenson (D)	NYYNY	YYYYNY	YYYYY	YYYNNN	Petris (D)	*YNYY	YYYYYY	YYYYY	YYY*Y*
Berryhill (R)	Y*YYN	NNYNY*	NNNN*	NNNYYY	Rains (D)	NYYYY	YYY*Y*	YNYYY	*YYYN*
Biddle (R)	YYYNN	Y*YYN*	NNNNN	NNYYYN	Richardson (R)	*NNN*	*N****	*NNNN	NNNY**
Bradley (R)	YNNNN	NNNNYN	NNNNN	NNNNYN	Robbins (D)	Y*YYY	YYYYY*	*YYYY	YYYY**
Carpenter (R)	*NNNN	NYNNNN	NNNNN	NNNYNY	Roberti (D)	NYYYY	YYY**Y	YY*YY	YYY*NN
Collier (D)	*NNY*	YNNNYY	N**NY	NNYYNN	Rodda (D)	YYYNY	YYNYYN	YNYYY	*YYNNN
Cusanovich (R)	YNYNN	YYNNYN	NYNYY	NNYYYN	Schrade (R)	Y**NN	***YY*	**N**	*N****
Deukmejian (R)	YY**N	NNN*YN	NNNNN	NNNYYY	Short (D)	*YNYY	Y*YYYY	YYYYY	YYY*YN
Dills (D)	YNYYY	YYNY*Y	YYYYY	Y*YYYN	Song (D)	YYYNY	*YY**Y	*YYYY	YYY*YN
Dymally (D)	YY*YY	YYNYNY	YY*YY	Y*YYNN	Stevens (R)	YYYNY	YYY*NY	NNYYY	NNYYYY
Gregorio (D)	NYYYY	YYYYYY	YYYYY	NYYYN*	Stiern (D)	*NNYY	NYNYYN	YNYNN	YYYYNN
Grunsky (R)	*NYNN	YYY*YN	NN*NY	NYYYNY	Stull (R)	NNNNN	NNN*Y*	NNNNN	NNNYYY
Harmer (R)	Y*YNN	NYN***	NN*NN	**N**Y	Walsh (D)	Y*NYY	**N**Y	***N*	***YN*
Holmdahl (D)	YYNY*	N*YYYY	YYYNN	YY*NYN	Way (R)	*YYNN	YNNYYN	NNNNN	NNNNYY
Kennick (D)	YYYYY	YYYYYY	YNYYY	YYYYYN	Wedworth (D)	Y*YNY	*YN*Y*	*YYYN	NNYYN*
Marks (R)	YYYYY	YYN*YY	YYYYY	YYYYNY	Whetmore (R)	YNNYN	NNNYNN	NNNNN	NN*YNY
Marler (R)	*YYNN	NYNNYY	NNNNN	NNNNYY	Zenovich (D)	YYYNY	NYNYYY	YYYYY	*YYYYN

moderate-income housing. Senate adopts conference report, 22-12.

JUSTICE

AB 726 (Sieroty) — Provides for the sealing of records involving convictions for marijuana possession or use. Passed, 21-18.

AB 2758 (Sieroty) — Reduces the penalty for residential possession of two-to-four ounces of marijuana. Passed, 22-15.

LABOR RELATIONS

AB 1112 (Ralph) — Permits public employee organization representing a majority of a unit to negotiate a service fee covering all employees in the unit. Failed, 15-19.

AB 3400 (Fenton) — Extends unemployment insurance benefits to farm workers. Passed, 21-15.

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AB 3671 (Deddeh) — Increases the weekly unemployment benefit from $90 to $100. Passed, 27-9.

AB 3801 (Brown) — Revises formula upward for California Highway Patrol salaries. Passed, 28-6.

MISCELLANEOUS

AB 977 (Chappie) — Bans especially noisy motor boats. Failed, 16-19.

AB 1122 (Bagley) — Prohibits campaign contributions exceeding $50,000 from one source. Failed, 14-18.

Assembly

BUSINESS

AB 3729 (Briggs) — Increases interest rates that can be charged by personal-property brokers. Passed, 41-27.

SB 1380 (Petris) — Extends the Unruh Civil Rights Act to ban sex discrimination in all public accommodations, business establishments and real-estate transactions. Passed, 44-23.

CONSUMER AFFAIRS

AB 50 (Fenton) — Enacts a "no-fault" auto insurance system opposed by trial lawyers. Assembly refuses to concur in Senate amendments, 40-28.

AB 801 (Foran) — Enacts a "no-fault" auto insurance system supported by trial lawyers. Assembly refuses to concur in Senate amendments, 34-16.

EDUCATION

SB 1962 (Rodda) — Permits the State University and Colleges to raise the students' material and services fee above $136. Passed, 51-8.

ELECTIONS

SB 592 (Dymally) — Permits party-contribution envelopes to be included in mailings of sample ballots. Failed, 19-37.

SB 1693 (Beilenson) — Permits cities and counties to limit campaign expenditures in local elections. Passed, 48-10.

ENVIRONMENT

SB 1556 (Biddle) — Revises composition of Air Resources Board. Passed, 42-23.

SB 1988 (Petris) — Prohibits use of smog-producing automobiles after 1976. Failed, 20-47.

HEALTH AND WELFARE

SB 635 (Beilenson) — Requires that blood-donor containers be labeled "paid donor" or "voluntary donor". Failed, 29-34.

AB 3532 (Ralph) — Provides for a $10 monthly increase in welfare grants for dependent children. Passed, 43-24.

LOCAL GOVERNMENT

AB 4270 (Knox) — Establishes a procedure for consolidating two counties. Passed, 47-16.

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AB 4271 (Knox) — Revises procedure for creation of new counties. Passed, 44-21.

JUSTICE

AB 3560 (Arnett) — Establishes the legal definition of death as the irreversible cessation of brain function. Assembly concurs in Senate amendments, 54-16.

SB 1853 (Beilenson) — Authorizes municipal and justice courts to specify installment payment of money judgments. Passed, 41-14.

SB 2294 (Song) — Repeals a law making it a misdemeanor to use vulgar language before women and children, and substitutes a more general prohibition against using offensive words. Passed, 47-13.

LABOR RELATIONS

AB 3370 (Alatorre) — Enacts a farm employee law calling for secret-ballot representation elections. Passed, 42-31.

AB 4117 (Dixon) — Prohibits an employer from asking a job applicant to disclose information on arrests that did not result in convictions. Passed, 43-22.

MISCELLANEOUS

SB 1858 (Song) — Would protect press reporters from contempt of court for failing to disclose sources or unpublished information. Passed, 52-15.

SB 2392 (Whetmore) — Requires revocation of alimony where a recipient is living with a person of the opposite sex in a common-law marital relationship. Passed, 44-22.

ASSEMBLY (48 D, 31R)	AB 3729 SB 1380 AB 50 AB 801 SB 1962	SB 592 SB 1693 SB 1556 SB 1988 SB 635	AB 3532 AB 4270 AB 4271 AB 3560 SB 1853	SB 2294 AB 3370 AB 4117 SB 1858 SB 2392
Alatorre (D)	NYNYY	N*Y*Y	YYYY*	*YY*N
Antonovich (R)	YNNYY	NNNNN	NNNNN	NNNYY
Arnett (R)	YYY*Y	NYYNY	NYYYY	*NYYY
Badham (R)	**Y*Y	N*NNN	*YY**	N**NY
Bagley (R)	*YY*Y	*YY**	YY*Y*	*Y*Y*
Bannai (R)	NNYNY	NYNNN	*YNYN	YNNYY
Bee (D)	YYY*Y	YNYNN	*YY**	YYYYY
Berman (D)	NYNY*	Y*YYY	Y*YYY	*YYYN
Beverly (R)	YYN*Y	*YNNN	NYYYY	*NNY*
Boatwright (D)	NYNYY	N*YNY	Y*YY*	*YYYY
Bond (R)	Y*NN*	*YYNN	NYYYY	YNNYY
Briggs (R)	YYYYY	N*N**	N**Y*	YNNYY
Brown (D)	NYN*Y	**YY*	Y**NY	YYY*N
Burke (R)	YNNNY	NYNNN	NNNNN	NNNNY
Carter (R)	NYYYY	*YNNN	NNNY*	NNNYY
Chacon (D)	NNNYY	NY*N*	YYYN*	*YYYY
Chappie (R)	YN**Y	NYNN*	*NNYN	YNNYY
Cline (R)	YNY*Y	NN*NN	NNNYN	NNNYY
Collier (R)	YNYNY	NYYNN	NNYYN	*NNYY
Cory (D)	****Y	*YY*Y	****Y	*YY**
Craven (R)	YNYN*	NY*NN	YNYNY	NNNYY
Cullen (D)	YYY*Y	*NNNN	YYYYY	YYYNY
Davis (D)	NY*YY	YYN*N	*NNNY	NN*Y*
Deddeh (D)	YNYYN	NYY*N	YYYNN	YY*YN
Dixon (D)	NYNY*	Y*NNN	Y*YYY	*YY*N
Duffy (R)	N*YY*	N*YNN	NY*YY	YNNYY
Dunlap (D)	NYYNN	YYYN*	YYYY*	YYYYN
Fenton (D)	YNYN*	N*YYY	*YYNY	YYYYN
Fong (D)	NY*YY	*Y*N*	YY*Y*	*Y*YN
Foran (D)	NYNYY	Y*NNY	YYYN*	YYY**
Garcia (D)	Y****	*Y*Y*	YYYYY	YYYYN
Gonsalves (D)	NNYNY	YYNYY	NYYNN	YY*YY
Gonzales (D)	NYNYN	YNYNY	YNYN*	YNYYY
Greene, B. (D)	NYNY*	YYNNY	Y**NY	YYYYY
Greene, L. (D)	YYYYY	YYYNY	YYNYN	YNY*N
Hayden (R)	YYY*Y	NYY**	*YYY*	Y**YY
Holoman (D)	YYY**	**Y**	Y*Y**	YYYN*
Ingalls (D)	NYYYY	NYYYY	**NYY	YYYYN
Johnson, H. (D)	YY*YY	NNYNY	YYYY*	YYYYY
Johnson, R. (R)	**Y*Y	NYNNN	NNNY*	Y*YYY
Kapiloff (D)	NYYYY	YYYYY	YYYYY	YYYYN
Karabian (D)	YYN*Y	*NY*Y	Y**YY	*YY**
Keene (D)	NYYYY	YYYYY	YNNYY	YNYYN
Keysor (D)	YYY*Y	Y**NN	YY*YY	YYYYY
Knox (D)	YYYYY	YNYNN	YYYY*	YY*NY
Lancaster (R)	*NN*Y	NYNNN	NYYYN	N*NYY
Lanterman (R)	YYYNY	NYNNN	NYYYY	*NYYY
Lewis (R)	YNNY*	NYYYN	NNNY*	NNNYN
Lockyer (D)	YYNNN	Y*YYY	YYYYY	YYYYN
MacDonald (D)	Y***Y	***N*	YYYYY	*YYYY
MacGillivray (R)	YNY*Y	N*NNN	NYYYY	YNNNY
Maddy (R)	*Y***	*Y*N*	*NNYY	YNYY*
McAlister (D)	YNNYY	NYYNY	YYNYY	YYYYY
McCarthy (D)	YYNYY	YY*YY	YYYYY	YYY**
McLennan (R)	*NYN*	NYNNN	NNNYN	*NNNY
Meade (D)	NYNY*	*YYYY	YYY*Y	YYYN*
Miller (D)	NYNYY	YYYYY	YNNNY	*YYNY
Mobley (R)	YNY*Y	*YNNN	NYYYY	YNNYY
Montoya (D)	*YN*Y	Y*YY*	YYN*Y	*Y*NN
Moretti (D)	Y*YN*	NYYYY	YYYYY	YYYN*
Murphy (R)	NYNYY	NYYNN	NYYYY	NNNYN
Nimmo (R)	*NYN*	*YNNN	NYYYY	YNNYY
Papan (D)	YYNYY	NYY*Y	YYY*Y	Y*YYY
Powers (D)	YN**Y	***Y*	YYYY*	YN*YY
Priolo (R)	YYYNY	NNYNN	***YY	*N*NY
Quimby (D)	**Y**	*YYNY	YY***	YYYYY
Ralph (D)	N*N*Y	*Y*NY	Y**Y*	YYY*N
Russell (R)	YNYNY	N*NNN	N*NN*	NN**Y
Seeley (R)	YNY*Y	N*YNN	*YYYY	NN*NY
Sieroty (D)	YYNY*	*YYYY	Y*YYY	YYY**
Thomas (D)	YYY*Y	NYNNN	Y*NYY	YYYYY
Thurman (D)	YYNY*	NYYNN	YY*YY	YNYYY
Vasconcellos (D)	NYYNN	**YYY	YYYYY	YYY*N
Wakefield (R)	*N***	*Y*N*	NNNNN	N*NNY
Warren (D)	YNY*N	NYYNY	YYY**	YY*NN
Waxman (D)	NY*Y*	*N*YY	Y**YY	*YYYN
Wilson (D)	NYYYN	NYYYN	NYYNN	YYNY*
Wood (R)	Y*YYY	N***N	NYYY*	YNNYY
Z'berg (D)	N*NYN	YYY**	YYNYN	YYYYN

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A WASHINGTON PERSPECTIVE...

By Lou Cannon

Tarnished gold

Inflation is the No. 1 issue in Washington, as in the nation, and no commodity here now seems more inflated than the first-month political value of President Gerald Ford.

"It was pure unalloyed gold before the pardon," said the tall visitor from California, who badly needed a solid-gold Ford, or perhaps even an unalloyed Lincoln. The visitor was Houston I. Flournoy, on leave from his uphill gubernatorial campaign against Jerry Brown for a quick trip to Washington, where he was supposed to meet triumphantly with Ford, consult on economic issues with the head of the Federal Reserve Board, Arthur Burns, and return to California with visions of a mid-October visit by the new and popular President dancing in his head.

It didn't quite work out that way. The Burns consultation produced little, as such meetings have a habit of doing. And Ford, who couldn't come in mid-October, was unwilling to become enmeshed in partisan politics during an early-October trip to San Francisco for a speech before United Press International editors. Instead, Flournoy had to settle for a presidential trip in the week before election, a time when the political die is usually well cast in California. Typically, he did his best with what had been offered. "I think that President Ford's visit will be a significant help," Flournoy said, bravely. Then, with a candor that matched the frankness of the President whose help he had been soliciting, Flournoy told reporters what he had been saying privately ever since September 8th: "He's not as valuable as he was while he was untarnished by the pardon."

* * *

Flournoy's lesson has not been learned by him alone. Republican candidates everywhere had believed themselves extricated from the morass of Watergate, if not from the dismal swamp of the economy, after Richard Nixon returned to San Clemente as a former President. Now, Watergate is at issue again. A *Washington Post* survey in mid-September of precincts selected by demographic expert Richard Scammon found that voters in every region were outraged and bewildered by the pardon. An Akron doctor and Nixon voter who was asked his reaction replied, "Nausea, heartburn and diarrhea." A San Jose newspaper dealer, also a Nixon voter, said he hoped the pardon wasn't the result of any deal because that would mean "dirty politics again". Across the country, only a small band of Nixon loyalists spoke up for the pardon, and even some of these loyalists questioned the timing. Some Republicans resented that Ford had needlessly raised Nixon as an issue before the November elections. Other voters, including some who went along with the pardon, were upset by the $850,000 that Ford originally asked in transition funds for keeping the departed President in the style to which he had become accustomed.

* * *

The only encouraging finding for Ford in the nationwide survey was that most voters did not believe that the pardon was the result of a deal between Ford and Nixon. It was the kind of sound judgment from afar that made these same voters in the same survey convinced of Nixon's Watergate guilt and equally convinced that Senator Edward Kennedy (a week before he withdrew from the 1976 presidential race) had failed to tell the whole truth about Chappaquidick. Those who have watched Jerry Ford up close over the years also are convinced that he is no conniver in the tradition of the two Presidents who immediately preceded him. Unfortunately, some of his friends also believe that he has tunnel vision to match his honesty and that the combination inevitably produces some monumental blunders. "He still is the same Jerry Ford we knew in Congress," says a GOP House member who knows him well, "which means that he is a good, decent guy who sometimes doesn't think things through or listen to advice once he's got a notion in his head."

The example cited by this congressman is the impeachment of Supreme Court Justice William O. Douglas, whom Ford wanted to remove for a combination of ideology and eccentricities. The Douglas impeachment resolution had widespread support when Ford launched it, but most Republicans soon realized that it was a fruitless and even embarrassing cause. Not Ford. He persisted long after his friends had told him in the privacy of the Republican cloakroom that the proposal deserved a quick and quiet burial.

The most distressing aspect of the pardon, at least from the Republican point of view, was that its timing and method of announcement raised eerie echoes of those frequent bombshells from the Nixon White House. Melvin R. Laird, perhaps Ford's closest friend, played golf with the President the morning of the announcement but was not told of it. House Minority Leader John Rhodes, another friend and colleague of great wisdom, was kept similarly in the dark. Most, if not all, of the House leadership learned of the decision in one of those eleventh-hour telephone calls from the White House that had become the hallmark of the Nixon administration.

It was, in fact, this lack of consultation rather than the pardon itself that most worried veteran Republican congressmen. They had grown accustomed to secrecy, suspicion and mistrust from Richard Nixon, a man whom most of them had never liked. They had expected something else from Gerald Ford — as had Houston Flournoy.

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